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T H E
H I S T O R Y
O F
E N G L A N D,

F R O M

The INVASION of JULIUS CÆSAR

T O

The REVOLUTION in 1688.

I N E I G H T V O L U M E S.

By D A V I D H U M E, Esq;

V O L. II.

A N E W E D I T I O N, Corrected.

To which is added, a C O M P L E T E I N D E X.

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SECOND VOLUME.

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THE compunction of Richard, for his undutiful behaviour towards his father, was durable, and influenced him in the choice of his ministers and servants after his accession. Those who had seconded and favoured his rebellion, instead of meeting with that honour and trust which they expected, were surprized to find, that they lay under disgrace with the new king, and were on all occasions hated and despised by him. The faithful ministers of Henry, who had vigorously opposed all the enterprizes of his sons, were received with open arms, and were continued in those employments, which they had honourably discharged to their former master ^A. This prudent conduct

C H A P. X,
1189.

V O L. II. B d u c t

^A Hoveden, p. 655. Bened. Abb. p. 547. M. Paris, p. 107.

CHAP. duſt might be the reſult of reflection; but in a prince,
 X. like Richard, ſo much guided by paſſion, and ſo little by
 policy, it was commonly aſcribed to a principle ſtill more
 1189. virtuous and more honourable.

RICHARD, that he might make atonement to one parent for his breach of duty to the other, immediately ſent orders for releaſing the queen-dowager from the confinement in which ſhe had been ſo long detained^B; and he entrusted her with the government of England, till his arrival in that kingdom. His bounty to his brother John was rather profuſe and imprudent. Beſides beſtowing on him the county of Mortaigne in Normandy, granting him a penſion of four thouſand marks a year, and marrying him to Awiſa, the daughter of the earl of Glouceſter, by whom he inherited all the poſſeſſions of that opulent family; he increaſed this appanage, which the late king had deſtined him, by other extenſive grants and conceſſions. He conferred on him the whole eſtate of William Peverell, which had eſcheated to the crown: He put him in poſſeſſion of eight caſtles, with all the foreſts and honours annexed to them^C. He delivered over to him no leſs than ſix earldoms, Cornwall, Devon, Somerſet, Nottingham, Dorſet, Lancaſter and Derby^D. And endeavouring, by favours, to fix that vicious prince in his duty, he put it too much in his power, whenever he pleaſed, to depart from it.

The king's preparation for the crusade.

THE king, impelled more by the love of military glory than by ſuperſtition, acted from the beginning of his reign, as if the ſole purpoſe of his government had been the relief of the holy land, and the recovery of Jeruſalem from the Saracens. This zeal againſt infidels, being communicated to his ſubjects, broke out in London on the day of his coronation, and made them find a cruſade leſs dangerous, and attended with more immediate profit. The prejudices of the age had made the lending of money on intereſt paſs by the invidious name of uſury; yet the neceſſity of the practice had ſtill continued it, and the greateſt part of that kind of dealing fell every where into the hands of the Jews; who, being already infamous on account

^B Ben. Abb. p. 549. M. Paris, p. 107. Trivet, p. 97. Diceto, p. 646. Gervafe, p. 1537. M. Paris, p. 107.
^D Hoveden, p. 645. Bened. Abb. p. 555, 577. W. Hem. p. 518. Brompton, p. 1178. Knyghton, p. 2401.

count of their religion, had no honour to lose, and were apt to exercise a profession, odious in itself, by every kind of rigour, and even sometimes by rapine and extortion. The industry and frugality of that people had put them in possession of all the ready money, which the idleness and profusion of the English, as well as of other European nations, enabled them to lend on exorbitant and unequal interest. The monkish writers represent it as a great stain on the wise and equitable government of Henry, that he had carefully protected this infidel race from all injuries and insults; but the zeal of Richard afforded the populace a pretence for exercising their animosity against them. The king had issued an edict, prohibiting their appearance at his coronation; but some of them, bringing him large presents from their nation, presumed, in confidence of that merit, to approach the hall in which he dined; and being discovered, they were exposed to the insults and injuries of the bystanders^B. They took to flight; the people pursued them; the rumour was spread, that the king had given orders to massacre all the Jews; a command so agreeable was executed in an instant on such as fell into the hands of the populace; those who had kept at home were exposed to equal danger; the people, moved by rapacity and zeal, broke into their houses, which they plundered, after having murdered the owners; where the Jews barricadoed their doors, and defended themselves with vigour, the rabble set fire to the houses, and made way through the flames to exercise their pillage and violence^F; the usual licentiousness of London, which the sovereign power with difficulty restrained, broke out with fury, and continued these outrages; the houses of the rich citizens, though christians, were next attacked and plundered^G; and weariness and satiety at last put an end to the disorder: Yet when the king empowered Glanville, the justiciary, to inquire into the authors of these crimes, the guilt was found to involve so many of the most considerable citizens, that it was deemed more prudent to

B 2

drop

^B Hoveden, p. 657. Bened. Abb. p. 560. M. Paris, p. 108. Brompton, p. 1156. Knyghton, p. 2401. ^F Ann. Waverl. p. 163. Knyghton, p. 2401. ^G Hoveden, p. 657. Bened. Abb. p. 560. M. Paris, p. 108. W. Heming, p. 514.

drop the prosecution; and very few suffered the punishment due to this enormity^H. But the disorder stopped not at London. The inhabitants of the other cities of England, hearing of this slaughter of the Jews, imitated the example^I; and in York, five hundred of that nation, who had retired into the castle for safety, and found themselves unable to defend the place, murdered their own wives and children, threw the dead bodies over the walls upon the populace, and then setting fire to the houses, perished in the flames^K. The gentry of the neighbourhood, who were all indebted to the Jews, ran to the cathedral, where their bonds were kept, and made a solemn bonfire of the papers before the altar^L.

THE antient situation of England, when the people possessed little riches and the public no credit, made it impossible for the sovereigns to bear the expences of a steady or durable war, even on their frontiers; much less could they find regular means for the support of such distant expeditions as those into Palestine, which were more the result of popular frenzy than of sober reason or deliberate policy. Richard, therefore, knew, that he must carry with him all the treasure requisite for his enterprize, and that both the remoteness of his own country and its poverty made it unable to furnish him with those continued supplies, which the exigencies of so perilous a war must necessarily require. His father had left him a treasure of above an hundred thousand marks^M; and the king, negligent of every interest, but that of present glory, endeavoured to augment this sum by all expedients, however pernicious to the public, or dangerous to royal authority^N: He put to sale the revenues and manors of the crown; the offices of greatest trust and power, even those of forester and sheriff, which antiently were so important^O, became venal; the dignity of chief justiciary, in whose hands was lodged the whole execution of the laws,

was

^H Diceto, p. 647. Knyghton, p. 2401. ^I Chron. de Dunst. p. 43. Wykes, p. 34. W. Heming. p. 516. Diceto, p. 651. ^K Hoveden, p. 665. Bened. Abb. p. 586. M. Paris, p. 111. ^L W. Heming. p. 518. ^M Hoveden, p. 656. ^N Bened. Abb. p. 568.

^O The sheriff had antiently both the administration of Justice and the management of the king's revenue committed to him in the county. See *Hale of Sheriffs Accounts*.

was sold to Hugh de Puzas, bishop of Durham, for a thousand marks; the same prelate bought the earldom of Northumberland for his life^P; many of the champions of the cross, who had repented of their vow, purchased the liberty of violating it; and Richard, who stood less in need of men than money, on these conditions, dispensed with their attendance. Elated with the hopes of fame, which in that age attended no wars but those against the infidels, he was blind to every other consideration: and when some of his wiser ministers objected against this dissipation of the revenue and power of the crown, he replied, that he would sell London itself if he could find a purchaser^Q. Nothing indeed could be a stronger proof how negligent he was of all future interests in comparison of the crusade, than his selling, for so small a sum as 10,000 marks, the vassalage of Scotland, together with the fortresses of Roxborough and Berwic, the greatest acquisition which had been made by his father during the course of his victorious reign; and his accepting the homage of William in the usual terms, merely for the territories which that prince held in England^R. Numerous exactions were practised on the English of all ranks and stations: Menaces were employed both against the innocent and the guilty, in order to force money from them: And where a pretence was wanting against the rich, the king obliged them, by the fear of his displeasure, to lend him sums, which, he knew, it would never be in his power to repay.

BUT Richard, though he sacrificed every interest and consideration to the success of this pious enterprize, carried so little the appearance of sanctity in his conduct, that Fulk, curate of Neuilly, a zealous preacher of the crusade, who from that merit had acquired the privilege of speaking the boldest truths, advised him to rid himself of his notorious vices, particularly his pride, avarice and voluptuousness, which, he called the king's three favourite daughters. *You counsel well*, replied Richard; *and I hereby dispose of the first to the Templars, of the second to the Benedictines, and of the third to my prelates.*

RICHARD, jealous of attempts which might be made on England during his absence, laid prince John, as well as his natural brother Geoffrey, archbishop of York, under

^P M. Paris. p. 109. ^Q W. Heming. p. 519. Knighton, p. 2402. ^R Hoveden, p. 662. Rymer, vol. i. p. 64. M. West. p. 257.

CHAP. der engagements, confirmed by their oaths, that neither
 X. of them should enter that kingdom till his return; though
 he thought proper, before his departure, to withdraw
 1189. this prohibition^s. The administration was left in the
 hands of Hugh, bishop of Durham, and of Longchamp,
 bishop of Ely, whom he appointed justiciaries and guar-
 dians of the realm^t. The latter was a Frenchman of
 mean birth, and of a violent character; who by art and
 address had insinuated himself into favour, whom Richard
 had created chancellor, and whom he had engaged the
 pope also to invest with the legatine authority, that, by
 centering every kind of power in his person, he might the
 better ensure the public tranquillity^u. All the military
 and turbulent spirits flocked about the person of the king,
 and were impatient to distinguish themselves against the
 infidels in Asia; whither his inclinations, his engage-
 ments, led him, and whither he was impelled by messages
 from the king of France, ready to embark in this enter-
 prize^x.

THE emperor Frederic, a prince of great spirit and
 conduct, had already taken the road to Palestine at the
 head of 150,000 men, collected from Germany and all
 the northern states; and having surmounted every obstacle
 thrown in his way by the artifices of the Greeks and the
 power of the infidels, had penetrated to the borders of
 Syria; when, bathing in the cold river Cydnus, during
 the greatest heat of the summer-season, he was seized
 with a mortal distemper, which put an end to his life and
 his rash enterprize^y. His army, under the command of
 his son Conrad, reached Palestine; but was so diminished
 by fatigue, famine, maladies and the sword, that it scarce
 amounted to eight thousand men; and was insufficient to
 make any progress against the great power, valour, and
 conduct of Saladin. These reiterated calamities, attend-
 ing the Crusades, had taught the kings of France and
 England the necessity of trying another road to the holy
 land; and they determined to conduct their armies thi-
 ther by sea, to carry provisions along with them, and by
 means

^s Hoveden, p. 664. Bened. Abb. p. 584. Brompton, p.
 1171. ^t Hoveden, p. 663. Bened. Abb. p. 584. M.
 Paris. p. 110. ^u Hoveden, p. 665, 702. Bened. Abb.
 p. 585. ^x M. Paris. p. 109. Diceto, p. 649. Rymer,
 vol. i. p. 63. ^y Bened. Abb. p. 556.

means of their naval power to maintain an open communication with their own states, and with the western parts of Europe. The first place of rendezvous was appointed in the plains of Vezelay, on the borders of Burgundy^z; and Philip and Richard, on their arrival there, found their armies amount to 100,000 men^a; a mighty force, animated with glory and religion, conducted by two warlike monarchs, provided with every thing which their several dominions could afford, and not to be overcome but by their misconduct, or by the unsurmountable obstacles of nature.

CHAP.
X.
1190.
29th June.

THE French prince and the English here reiterated King sets their promises of mutual friendship, pledged their faith out on the not to invade each other's dominions during the crusade, exchanged the oaths of all their barons and prelates to the same effect, and subjected themselves to the penalty of interdicts and excommunications, if they should ever violate this public and solemn engagement^b. They then separated; Philip took the road to Genoa, Richard that to Marseilles, with a view of meeting their fleets, which were severally appointed to rendezvous in these harbours^c. They put to sea; and nearly about the same time, were obliged, by stress of weather, to take shelter in Messina, where they were detained during the whole winter. This event laid the foundation of animosities, which proved fatal to their enterprise.

14th Sept.

RICHARD and Philip were, by the situation and extent of their dominions, rivals in power; by their age and inclinations, competitors for glory; and these causes of emulation, which, had the princes been employed in the field against the common enemy, might have stimulated them to martial enterprises, soon excited, during the present leisure and repose, quarrels between monarchs of such a fiery character. Equally haughty, ambitious, intrepid, and inflexible; they were irritated with the least appearance of injury, and were incapable, by mutual concessions, to efface those causes of complaint, which unavoidably arose between them. Richard, candid, sincere, undesigning, impolitic, violent, laid himself open, on every

^z Hoveden, p. 660. ^a Vinisau, p. 305. ^b Hoveden, p. 664. Bened. Abb. p. 583. Trivet, p. 99. Vinisau, p. 305. ^c Hoveden, p. 666. Bened. Abb. p. 590. M. Paris, p. 112. Diceto, p. 605.

CHAP. every occasion, to the designs of his antagonist; who,
 X. provident, interested, deceitful, failed not to take all ad-
 1190. vantages against him: And thus, both the circumstances
 of their disposition in which they were similar, and those
 in which they differed, rendered it impossible for them to
 persevere in that harmony, which was so essential to the
 success of their undertaking.

Transac-
tion in
Sicily.

THE last king of Sicily and Naples was William II.
 who had married Joan, sister to Richard, and who, dy-
 ing without issue, had bequeathed his dominions to his pa-
 ternal aunt, Constantia, the only legitimate offspring sur-
 viving of Roger, the first sovereign of those states who had
 been honoured with the royal title. This princess had, in
 expectation of that rich inheritance, been married to
 Henry VI. the present emperor^D; but Tancred, her na-
 tural brother, had fixed such an interest among the barons,
 that, taking advantage of Henry's absence, he had acquir-
 ed possession of the throne, and maintained his claim, by
 force of arms, against all the efforts of the Germans^E.
 The approach of the crusaders naturally gave him appre-
 hensions for his unstable government; and he was uncer-
 tain, whether he had more reason to dread the presence of
 the French or of the English monarch. Philip was en-
 gaged in strict alliance with the emperor, his competi-
 tor: Richard was disgusted by his rigours towards the
 queen-dowager, whom the Sicilian prince had confined in
 Palermo; because she had opposed with all her interest his
 succession to the crown. Tancred, therefore, sensible of
 the present necessity, resolved to pay court to both these
 formidable princes; and he was not unsuccessful in his en-
 deavours. He persuaded Philip that it was highly impro-
 per for him to interrupt his enterprize against the infidels,
 by any attempt against a christian prince: He restored
 queen Joan to her liberty; and even found means to make
 an alliance with Richard, who stipulated by treaty to mar-
 ry his nephew, Arthur, the young duke of Brittany, to
 one of the daughters of Tancred^F. But before these
 terms of friendship were agreed on, Richard, jealous both
 of Tancred and of the inhabitants of Messina, had taken
 up his quarters in the suburbs, and had possessed himself of
 a small fort, which commanded the harbour; and he re-
 mained

^D Bened. Abb. p. 580. ^E Hoveden, p. 663. ^F Hove-
 den, p. 676, 677. Bened. Abb. p. 615.

remained extremely on his guard against their enterprizes. CHAP. X.
 The citizens took umbrage: Mutual insults and attacks
 passed between them and the English: Philip, who had
 quartered his troops in the town, endeavoured to accom-
 modate the quarrel, and held a conference with Richard 1190. 3d Oct.
 for that purpose. While the two kings, meeting in the
 open fields, were engaged in discourse on this subject, a
 body of these Sicilians seemed to be drawing towards them; 4th Oct.
 and Richard pushed forwards, in order to inquire into the
 reason of this extraordinary movement^G. The English,
 insolent from their power, and inflamed with former ani-
 mosities, wanted but a pretence for attacking the Melli-
 nese; and they soon chased them from the field, drove
 them into the town, and entered with them at the gates.
 The king employed his authority to restrain them from
 pillaging and massacring the defenceless inhabitants; but
 he gave orders, in token of his victory, that the standard
 of England should be erected on the walls. Philip, who
 considered that place as his quarters, exclaimed against the
 insult, and ordered some of his troops to pull down the
 standard: But Richard informed him by a messenger,
 that though he himself would willingly remove that ground
 of offence, he would not permit it to be done by others;
 and if the French king attempted such an insult upon
 him, he should not succeed but by the utmost effusion of
 blood. Philip, contented with this species of haughty
 submission, recalled his orders^H: The difference was
 seemingly accommodated; but left still the remains of ran-
 cour and jealousy in the breast of the two monarchs.

TANCRED, who, for his own security, desired to in-
 flame their mutual hatred, practised an artifice, which
 might have been attended with consequences still more
 fatal. He shewed Richard a letter, signed by the French
 king, and delivered to him, as he pretended, by the
 duke of Burgundy; in which that monarch desired Tan-
 cred to fall upon the quarters of the English, and pro-
 mised to assist him in putting them to the sword, as com-
 mon enemies. The unwary Richard gave credit to the
 information; but was too candid not to betray his discon-
 tent to Philip, who absolutely denied the letter, and
 charged the Sicilian prince with forgery and falsehood.

Richard

^G Bened. Abb. p. 608.

^H Hoveden, p. 674.

CHAP. Richard either, was, or pretended to be, entirely satisfied^I.
X.

1191.

LEST these jealousies and complaints should multiply between them, it was proposed, that, by a solemn treaty, they should obviate all future differences, and adjust every point which could possibly hereafter become a controversy between them. But this expedient started a new dispute, which might have proved more dangerous than any of the foregoing, and which deeply concerned the honour of Philip's family. When Richard, in every treaty with Henry II. insisted so strenuously on being allowed to marry Alice of France, he had only sought a pretence for quarrelling; and never meant to take into his bed a princess suspected of a criminal amour with his own father. After he became master, he no longer spoke of that alliance: He even took measures for espousing Berengaria, daughter of Sanchez, king of Navarre, with whom he had become enamoured during his abode in Guienne^K: Queen Eleanor was daily expected with that princess at Messina^L: And when Philip renewed to him his applications for espousing his sister Alice, Richard was obliged to give him an absolute refusal. It is pretended by Hoveden and other historians^M, that he was able to produce such convincing proofs of Alice's infidelity, and even of her having borne a child to Henry, that her brother desisted from his applications, and chose to wrap up the dishonour of his family in silence and oblivion. It is certain, from the treaty itself, which yet remains^N, that, whatever were his motives, he permitted Richard to give his hand to Berengaria; and having settled all other controversies with that prince, he immediately set sail for the holy land. Richard awaited some time the arrival of his mother and bride; and when they joined him, he separated his fleet into two squadrons, and set forward on his enterprize. Queen Eleanor returned to England: But Berengaria, and the queen-dowager of Sicily, his sister, attended him on the expedition^O.

THE English fleet, on leaving the port of Messina, met with a furious tempest; and the squadron, on which the

^I Hoveden, p. 688. Bened. Abb. p. 642, 643. Brompton, p. 1195. ^K Vinislauf, p. 316. ^L M. Paris, p.

112. Trivet, p. 102. W. Heming, p. 519. ^M Hoveden, p. 688. ^N Rymer, vol. i. p. 69. Chron. de Dunst.

p. 44. ^O Bened. Abb. p. 644.

1191.
12th April.

the two young princesses were embarked, was driven on the coast of Cyprus, and some of the vessels were wrecked near Limisso in that island. Isaac, prince of Cyprus, who assumed the magnificent title of emperor, pillaged the ships that were stranded, threw the seamen and passengers into prison, and even refused to the princesses liberty, in their dangerous situation, of entering the harbour of Limisso^P. But Richard, who arrived soon after, took ample vengeance on him for the injury. He disembarked his troops; defeated the tyrant, who opposed his landing; entered Limisso by storm; gained next day a second victory; obliged Isaac to surrender at discretion; and established governors over the island^Q. The Greek prince, being thrown into prison and loaded with irons, complained of the little regard with which he was treated: Upon which, Richard ordered silver fetters to be made for him; and this emperor, pleased with the distinction, expressed a sense of the generosity of his conqueror^R. The king here espoused Berengaria^S, who, immediately embarking, carried along with her to Palestine the daughter of the Cypriot prince; a dangerous rival, who was believed to have seduced the affections of her husband. Such were the libertine character and conduct of the heroes engaged in this pious enterprize!

12th May.

THE English army arrived in time to partake in the glory of the siege of Acre or Ptolemais, which had been attacked for above two years by the united force of all the christians in Palestine, and had been defended by the utmost efforts of Saladin and the Saracens. The remains of the German army, conducted by the emperor Frederic, and the separate bodies of adventurers who continually poured in from the west, had enabled the king of Jerusalem to form this important enterprize^T: But Saladin, having thrown a strong garrison into the place under the command of Caracos^U, his own master in the art of war, and molesting the besiegers with continual attacks and incursions, had protracted the success of the enterprize, and wasted

^P Vinislauf, p. 319, 320. W. Heming p. 523. ^Q Bened. Abb. p. 645. Trivet, p. 103. ^R Bened. Abb. p. 650. Ann. Waverl. p. 164. Vinislauf, p. 328. W. Heming p. 523. ^S Hoveden, p. 692. Bened. Abb. p. 650. Knyghton, p. 2404. ^T Vinislauf, p. 269, 271, 279. ^U Diceto, p. 654.

CHAP.
X.

1191.

wasted the force of his enemies. The arrival of Philip and Richard inspired new life into the christians; and these princes, acting by concert, and sharing the honour and danger of every action, gave hopes of a final victory over the infidels. They agreed on the plan of operations: When the French monarch attacked the town, the English guarded the trenches: Next day, when the English prince conducted the assault, the French succeeded him in providing for the safety of the assailants. The emulation between these rival kings and rival nations produced extraordinary acts of valour; and Richard in particular, animated with a more precipitate courage, than Philip, and more agreeable to the romantic spirit of that age, drew to himself the attention of all the world, and acquired a great and splendid reputation. But this harmony was of very short duration; and occasions of discord soon arose between these jealous and haughty princes.

State of
Palestine.

THE family of Bouillon, which had been first placed on the throne of Jerusalem, ending in a female, Fulk, count of Anjou, grandfather to Henry II. of England, married the heiress of that kingdom, and transmitted his title to the younger branches of his family. The Anjevin race, ending also in a female, Guy de Lusignan, by espousing Sibylla, the heiress, had succeeded to the title; and though he lost his kingdom by the invasion of Saladin, he was still acknowledged by all the christians for king of Jerusalem^x. But as Sibylla died without issue, during the siege of Acre, Isabella, her youngest sister, put in her claim to that titular kingdom, and required Lusignan to resign his pretensions to her husband Conrad, marquis of Montferrat. Lusignan, maintaining that the royal title was unalienable and indefeazable, had recourse to the protection of Richard, attended on him before he left Cyprus, and engaged him to embrace his cause^y. There needed no other reason for throwing Philip into the party of Conrad; and the opposite views of these great monarchs brought faction and dissention into the christian army, and retarded all its operations^z. The Templars, the Genoese, and the Germans, declared for Philip and Conrad; the Flemings, the Pisans, the knights of the hospital

^x Vinisau, p. 281.^y Trivet, p. 104.

Vinisau, p.

342. W. Heming, p. 524.

^z Hoveden, p. 693. M.

Paris, p. 115. W. Heming, p. 524. Knyghton, p. 2405.

hospital of St. John, adhered to Richard and Lusignan. CHAP. X.
 But notwithstanding these disputes, as the length of the siege had reduced the Saracen garrison to the last extremity, they surrendered themselves prisoners; stipulated, for the saving their lives, other advantages to the christians^A, such as the restoring of the christian prisoners, and the delivery of the wood of the true cross^B; and this great enterprize, which had long engaged the attention of all Europe and Asia, was at last, after the loss of 300,000 men, brought to a happy period.

1191.
12th July.

BUT Philip, instead of pursuing the hopes of farther conquest, and redeeming the holy city from slavery, being disgusted with the ascendant assumed and acquired by Richard, and having views of many advantages, which he might reap by his presence in Europe, declared his resolution of returning into France; and he pleaded his bad state of health as an excuse for his desertion of the common cause^C. He left, however, to Richard ten thousand of his troops, under the command of the duke of Burgundy; and he renewed his oath never to commence hostilities against that prince's dominions during his absence. But he had no sooner reached Italy than he applied to pope Celestine III. for a dispensation from this vow^D; and when denied that request, he still proceeded, though after a covert manner, in a project, which the present situation of England rendered so inviting, and which gratified, in so eminent a degree, both his resentment and his ambition.

IMMEDIATELY after Richard had left England, and Disorders begun his march to the holy land, the two prelates, whom in England he had appointed guardians of the realm, broke into animosities against each other, and threw the whole kingdom into combustion. Longchamp, presumptuous in his nature, elated by the favour of his master, and armed with the legatine commission, could not submit to an equality with the bishop of Durham; and even went so far as to arrest his colleague, and to extort from him a resignation of the earldom of Northumberland, and of his other dignities, as the price of his liberty^E. The king, informed of

^A Hoveden, p. 695. M. Paris, p. 115. ^B Vinisau, p. 341. ^C Bened. Abb. p. 667. Vinisau, p. 343. W. Heming. p. 527. Knyghton, p. 2405. ^D Bened. Abb. p. 720. W. Heming. p. 527. Brompton, p. 1221. ^E Hoveden, p. 665. Knyghton, p. 2403.

CHAP. of these dissentions, ordered, by letters from Marseilles, that the bishop should be re-instated in his offices; but X. Longchamp had still the boldness to refuse compliance, on pretence that he himself was better acquainted with the king's secret intentions^F. He proceeded to govern the kingdom by his sole authority; to treat all the nobility with arrogance; and to display his power and riches with an invidious ostentation. He never travelled without a strong guard of fifteen hundred foreign soldiers, collected from that licentious tribe with which the age was generally infested^G: Nobles and knights were proud of being admitted into his train^H: His retinue wore the aspect of royal magnificence: And when, in his progress through the kingdom, he lodged in any monastery, his attendants, it is said, were sufficient to devour, in one night, the revenue of several years^I. The king, who was detained in Europe longer than the haughty prelate expected, hearing of this ostentation, which exceeded even what the habits of that age indulged to ecclesiastics; being also informed of the insolent tyrannical conduct of his minister; thought proper to restrain his exorbitant power; and he sent new orders, appointing Walter archbishop of Rouen, William Marshal earl of Strigul, Geoffrey Fitz-Peter, William Briwere, and Hugh Bardolf, counsellors to Longchamp, and commanding him to take no measure of importance without their concurrence and approbation^K. But such general terror had this man impressed by his violent conduct, that even the archbishop of Rouen and the earl of Strigul durst not produce this mandate of the king; and Longchamp still maintained an uncontrouled authority over the nation^L. But when he proceeded so far as to throw into prison Geoffrey archbishop of York, who had opposed his measures^M, this breach of ecclesiastical privileges excited such an universal ferment, that prince John, disgusted with the small share he possessed in the government, and personally disoblged by Longchamp, ventured to summon at Reading a general council of the nobility and

^F W. Heming. p. 528. ^G Hoveden, p. 702. ^H M. Paris, p. 114. ^I W. Heming. p. 528. ^J Hoveden, p. 680. ^K Hoveden, p. 687. ^L Bened. Abb. p. 640. ^M Diceto, p. 659. Brompton, p. 1194. ^N Hoveden, p. 687. ^O Hoveden, p. 701. ^P Bened. Abb. p. 697. ^Q W. Heming. p. 529.

and prelates, and cite him to appear before them. Longchamp thought it dangerous to entrust his person in their hands, and he shut himself up in the tower of London^N; But being soon obliged to surrender that fortress, he fled beyond sea, concealed under a female habit, and was deprived of his offices of chancellor and chief justiciary; the last of which was conferred on the archbishop of Rouen, a prelate of great prudence and moderation^O. The office of legate, however, which had been renewed to Longchamp by pope Celestine, still gave him, notwithstanding his absence, great authority in the kingdom, enabled him to disturb the government, and forwarded the views of Philip, who watched every opportunity of annoying Richard's dominions. That monarch first attempted to carry open war into Normandy; but as the French nobility refused to follow him in an invasion of a state which they had sworn to protect, and as the pope, who was the general guardian of all princes that had taken the cross, threatened him with ecclesiastical censures, he desisted from his enterprize, and employed against England the expedient of secret policy and intrigue. He debauched prince John from his allegiance; promised him his sister Alice in marriage; offered to give him possession of all Richard's transmarine dominions; and had not the authority of queen Eleanor, and the menaces of the English council, prevailed over the inclinations of that turbulent prince, he was ready to have crossed the seas, and to have put in execution his criminal enterprizes.

THE jealousy of Philip was every moment excited by the glory which the great actions of Richard were gaining him in the East, and which, being compared to his own actions in desertion of that popular cause, threw a double lustre on his rival. His envy, therefore, prompted him to obscure that fame, which he had not equalled; and he embraced every pretence of throwing the most violent and most improbable calumnies on the king of England. There was a petty prince in Asia, commonly called *The old man of the mountain*, who had acquired such an ascendant over his fanatical subjects, that they paid the most implicit deference to all his commands; esteemed assassination meritorious, when sanctified by his mandate; courted danger,

^N Bened. Abb. p. 698. M. Paris, p. 117. W. Heming. p. 530. Brompton, p. 1126.

^O W. Heming. p. 530.

CHAP. danger, and even certain death in the execution of his orders; and fancied, that where they sacrificed their lives for his sake, the highest joys of paradise were the infallible reward of their devoted obedience^P. It was the custom of this prince, when he imagined himself injured, to dispatch secretly some of his subjects against the aggressor, to charge them with the execution of his revenge, to instruct them in every art of disguising their purpose; and no precaution was sufficient to guard any man, however powerful, against the attempts of these subtle and determined ruffians. The greatest monarchs stood in awe of this prince of the assassins, (for that was the name of his people; whence the word has been transferred into most European languages) and it was the highest indiscretion of Conrade, marquis of Montserrat, to offend and to affront him. The inhabitants of Tyre, who were governed by that nobleman, had put to death some of this dangerous people: The prince demanded satisfaction; for as he piqued himself on never beginning any offence^Q, he had his regular and established formalities in requiring atonement: Conrade treated his messengers with disdain: The prince issued the fatal orders: Two of his subjects, who had insinuated themselves in disguise among Conrade's guards, openly, in the streets of Sidon, put him to death; and when they were seized and put to the most cruel tortures, they triumphed amidst their agonies, and rejoiced that they had been destined by heaven to suffer in so just and meritorious a cause.

EVERY one in Palestine knew from what hand the blow came. Richard was entirely free from suspicion. Tho' that monarch had formerly maintained the cause of Lusignan against Conrade, he had become sensible of the bad effects attending these dissensions, and had voluntarily conferred on the former the kingdom of Cyprus, on condition that he should resign to his rival all pretensions to the crown of Jerusalem^R. Conrade himself, with his dying breath, had recommended his widow to the protection of Richard^S; the prince of the assassins avowed the action in a formal narrative which he sent to Europe^T; yet, on this

^P W. Heming. p. 532. Brompton, p. 1243. ^Q Rymer, vol. i. p. 71. ^R Vinisauf, p. 391. ^S Brompton p. 1243. ^T Rymer, vol. i. p. 71. Trivet, p. 124. W. Heming, p. 544. Diceto, p. 680.

this foundation, the king of France thought fit to build the most egregious calumnies, and to impute to Richard the murder of the marquis of Montserrat, whose elevation he had once openly opposed. He filled all Europe with exclamations against the crime; appointed a guard to his own person, in order to defend himself against a like attempt^u; and endeavoured, by these shallow artifices, to cover the infamy of attacking the dominions of a prince, whom he himself had deserted, and who was engaged with so much glory in a war, universally acknowledged to be the common cause of Christendom.

BUT Richard's heroic actions in Palestine were the best apology for his conduct. The christian adventurers, under his command, determined, on opening the campaign, to attempt the siege of Ascalon, in order to prepare the way for that of Jerusalem; and they marched along the sea-coast with that intention. Saladin proposed to intercept their passage; and he placed himself on the road with an army, amounting to 300,000 combatants. On this occasion was fought one of the greatest battles of that age; and the most celebrated, for the military genius of the commanders, for the number and valour of the troops, and for the great variety of events which attended it. Both the right wing of the christians, commanded by d'Avesnes, and the left, headed by the duke of Burgundy, were, in the beginning of the day, broken and defeated; when Richard, who led on the main body, restored the battle; attacked the enemy with intrepidity and presence of mind; performed the part both of a consummate general and gallant soldier; and not only gave his two wings leisure to recover from their confusion, but obtained a complete victory over the Saracens, of whom forty thousand are said to have perished in the field^x. Ascalon soon after fell into the hands of the christians: Other sieges were carried on with success: Richard was even able to advance within sight of Jerusalem, the object of all his enterprises; when he had the mortification to find, that he must abandon all hopes of immediate success, and must put a stop to his career of victory. The crusaders, animated with an enthusiastic ardour for the holy wars, broke

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at

^u W. Heming. p. 532. Brompton, p. 1243. ^x Hoveden, p. 698. Bened. Abb. p. 677. Diceto, p. 662. Brompton, p. 1214.

CHAP.

X.

1192.

at first through all regards to safety or interest in the prosecution of their purpose; and trusting to the immediate assistance of heaven, set nothing before their eyes but fame and victory in this world, and a crown of glory in the next. But long absence from home, fatigue, disease, want, and the varieties of success which naturally attend war, had gradually abated that fury, which nothing was able directly to withstand; and every one, except the king of England, expressed a desire of speedily returning into Europe. The Germans and the Italians declared their resolution of desisting from the enterprize: The French were still more obstinate in this purpose: The duke of Burgundy, in order to pay court to Philip, took all opportunities of mortifying and opposing Richard^Y: And there appeared an absolute necessity of abandoning for the present all hopes of farther conquest, and of securing the acquisitions of the christians by an accommodation with Saladin. Richard, therefore, concluded a truce with that monarch; and stipulated, that Acre, Joppa, and other sea-port towns of Palestine, should remain in the hands of the christians, and that every one of that religion should have liberty to perform his pilgrimage to Jerusalem unmolested^Z. This truce was concluded for three years, three months, three weeks, three days, and three hours; a magical number, which had probably been devised by the Europeans, and which was suggested by a superstition well suited to the object of the war.

THE liberty in which Saladin indulged the christians, to perform their pilgrimages to Jerusalem, was an easy sacrifice on his part; and the furious wars, which he waged in defence of the barren territory of Judea, were not with him, as with the European adventurers, the result of superstition, but of policy. The advantage indeed of science, moderation, humanity, was at that time entirely on the side of the Saracens; and this gallant emperor, in particular, displayed, during the course of the war, a spirit and generosity, which even his bigotted enemies were obliged to acknowledge and admire. Richard, equally martial and brave, carried with him more of the barbarian character; and was guilty of acts of ferocity, which threw a stain on his celebrated victories. When Saladin refused to ratify the capitulation of Acre, the king

^Y Vinisau, p. 380.^Z Trivet, p. 123.

of England ordered all his prisoners, to the number of five thousand, to be butchered; and the Saracens found themselves obliged to retaliate upon the christians by a like cruelty ^A. Saladin died at Damascus soon after the conclusion of the truce with the princes of the crusade; and it is memorable, that, before he expired, he ordered his winding-sheet to be carried as a standard through every street of the city; while a crier went before, and proclaimed with a loud voice, *This is all that remains to the mighty Saladin, the conqueror of the East*. By his last will, he ordered charities to be distributed to the poor, without distinction of Jew, Christian, or Mahometan.

THERE remained, after the truce, no business of importance to detain Richard in Palestine; and the intelligence which he received, of the intrigues of his brother John, and of the king of France, made him sensible, that his presence was necessary in Europe ^B. As he dared not to pass through France, he sailed to the Adriatic; and being ship-wrecked near Aquileia, he put on the disguise of a pilgrim, with a purpose of taking his journey secretly through Germany. Pursued by the governor of Istria, he was forced out of the direct road to England, and was obliged to pass by Vienna; where his expences and liberalities betrayed the monarch in the habit of the pilgrim; and he was arrested by orders of Leopold, duke of Austria ^D. This prince had served under Richard at the siege of Acre; but being disgusted by some insult of that haughty monarch, he was so ungenerous as to seize the present opportunity of gratifying at once his avarice and revenge; and he threw the king into prison ^E. The emperor, Henry VI. who also considered Richard as an enemy, on account of the alliance contracted by him with Tancred, king of Sicily, dispatched messengers to the duke of Austria, requiring the royal captive to be delivered to him, and stipulated a large sum of money as a reward for this service ^F. Thus the king of England, who had filled the whole world with his renown and glory, found himself, in Germany, during many.

20th December.

1193.

C 2

^A Hoveden, p. 697. Bened. Abb. p. 637. M. Paris, p. 115. Vinislauf, p. 346. W. Heming. p. 531. ^B Brompton, p. 1243. ^C Rymer, vol. i p. 70. ^D Hoveden, p. 717. M. Paris, p. 121. Trivet, p. 124. Knyghton, p. 2407. ^E M. Paris, p. 118. W. Heming. p. 535. Brompton, p. 1250. ^F M. West, p. 258.

CHAP. during the most critical state of his affairs, confined to a
 X. dungeon, and loaded with irons, in the heart of Ger-
 many^G, and entirely at the mercy of his enemies, the
 1193. basest and most fordid of mankind.

THE English council were astonished on receiving this fatal intelligence; and foresaw all the dangerous consequences, which might naturally arise from that event. The queen-dowager wrote reiterated letters to pope Celestine; exclaiming against the injury which her son had sustained, representing the impiety of detaining in prison the most illustrious prince who had yet carried the banners of Christ into the holy land; claiming the protection of the apostolic see, which was due even to the meanest of these adventurers; and upbraiding the pope, that in a cause where justice, religion, and the dignity of the church, were so much concerned; a cause which it might well besit his Holiness himself to support by taking in person a journey into Germany, the spiritual thunders should be so long suspended on these sacrilegious offenders^H. The zeal of Celestine corresponded not to the impatience of the queen-mother; and the regency of England were for a long time, left to struggle alone with all their domestic and foreign enemies.

War with
 France.

THE king of France, quickly informed of Richard's confinement by a message from the emperor^I, prepared himself to take advantage of that incident; and he employed every means of force and intrigue, of war and negotiation, against the dominions and the person of his unfortunate rival. He revived the calumny of Richard's assassinating the marquis of Montferrat; and by that absurd pretence, he induced his barons to violate their oaths, by which they engaged, that, during the crusade, they never would, on any account, attack the dominions of the king of England^K. He made the emperor the largest offers, if he would deliver into his hands the royal prisoner, or at least detain him in perpetual captivity; and he even formed an alliance by marriage with the king of Denmark, desired that the antient Danish claim to the crown of England should be transferred to him, and solicited a supply

^G Chron. T. Wykes, p. 35. ^H Rymer, vol. i. p. 72, 73, 74, 75, 76, &c. ^I Rymer, vol. i. p. 70. ^K Hoveden, p. 717. Brompton, p. 1244.

supply of shipping to maintain it ^L. But the most successful of Philip's negotiations was with prince John, who, forgetting every tie to his brother, his sovereign and his benefactor, thought of nothing but how to make his own advantage of the public calamities. That traitor, on the first invitation from the court of France, suddenly went abroad, held a conference with Philip, and made a treaty, of which the object was the perpetual ruin of his unhappy brother ^M. He stipulated to deliver into Philip's hands a great part of Normandy ^N; and in return, he received the investiture of all Richard's transmarine dominions; and it is reported by several historians, that he even did homage to the French king for the crown of England.

IN consequence of this treaty, Philip invaded Normandy; and by the treachery of John's emissaries, made himself master, without opposition, of many fortresses, Neufchatel, Neaufle, Gisors, Pacey, Ivree ^O: He subdued the counties of Eu and Aumale; and advancing to form the siege of Rouen, he threatened to put all the inhabitants to the sword, if they dared to make resistance. Happily, Robert earl of Leicester appeared in that critical moment; a gallant nobleman, who had acquired great honour during the crusade, and who being more fortunate than his master in finding his passage homewards, took on him the command in Rouen, and exerted himself, by his presence and example, to infuse courage into the dismayed Normans ^P. Philip was repulsed in every attack; the time of his vassals' service expired; and he consented to a truce with the English regency, received in return the promise of 20,000 marks, and had four castles put into his hands, as a security for the payment ^Q.

PRINCE John, who, with a view of increasing the general confusion, went over to England, was still less successful in his enterprizes. He was only able to make himself master of the castles of Windsor and Wallingford; but when he arrived in London, and claimed the kingdom as heir to his brother, of whose death he pretended to have received certain intelligence, he was rejected by all the

^L Hoveden, p. 731. W. Heming, p. 533. Brompton, p. 1244. Knyghton, p. 2406. ^M Hoveden, p. 724. W. Heming, p. 536. ^N Rymer, vol. i. p. 85. ^O W. Heming, p. 537. ^P Hoveden, p. 724. M. Paris, p. 122. ^Q Hoveden, p. 730, 731. Rymer, vol. i. p. 81.

CHAP. the barons, and measures were taken to oppose and subdue him^R. The justiciaries, supported by the general affection of the people, provided so well for the defence of the kingdom, that John was obliged, after some fruitless efforts, to conclude a truce with them; and before its expiration, he thought it prudent to return into France, where he openly acknowledged his alliance with Philip^S.

X.
1193.

MEAN while, the high spirit of Richard suffered in Germany every kind of insult and indignity. The French ambassadors, in their master's name, renounced him as a vassal to the crown of France, and declared all his fiefs to be forfeited to his liege-lord. The emperor, that he might render him more impatient for the recovery of his liberty, and make him submit to the payment of a larger ransom, treated him with the greatest severity, and reduced him to a condition worse than that of the meanest malefactor. He was even produced before the diet of the empire at Worms, and accused by Henry of many crimes and misdemeanors; of making an alliance with Tancred, the usurper of Sicily; of turning the arms of the crusade against a christian prince, and subduing Cyprus; of affronting the duke of Austria before Acre; of obstructing the progress of the christian arms by his quarrels with the king of France; of assassinating Conrade, marquis of Montferrat; and of concluding a truce with Saladin, and leaving Jerusalem in the hands of the Saracen Emperor^T. Richard, whose spirit was not broken by his misfortunes, and whose genius was rather roused by these frivolous or scandalous imputations; after promising, that his dignity exempted him from answering before any jurisdiction, except that of heaven; yet condescended, for the sake of his reputation, to justify his conduct before that great assembly. He observed, that he had no hand in Tancred's elevation, and only concluded a treaty with a prince, whom he found in possession of the throne: That the king, or rather tyrant of Cyprus, had provoked his indignation by the most ungenerous and unjust proceedings; and though he chastised this aggressor, he had not retarded a moment the progress of his chief enterprize: That if he had been at any time wanting in civility to the duke of Austria, he had already been punished sufficiently for that folly of passion;

^R Hoveden, p. 724. ^S W. Heming, p. 536.
Paris, p. 121. W. Heming, p. 536.

^T M.

sion ; and it better became men, embarked together in so holy a cause, to forgive each other's infirmities, than to pursue a slight offence with such unrelenting vengeance : That it had sufficiently appeared by the event, whether the king of France or he was most zealous for the conquest of the holy land, and was most likely to sacrifice private passions and animosities to that great object : That if the whole tenor of his life had not shewn him incapable of a base assassination, and justified him from that imputation in the eyes of his very enemies, it was in vain for him, at present, to make his apology, or plead the many irrefragable arguments, which he could produce in his own favour : And that, however he might regret the necessity, he was so far from being ashamed of his truce with Saladin, that he rather gloried in that event ; and thought it extremely honourable, that, though abandoned by all the world, supported only by his own courage and by the small remains of his national troops, he could yet obtain such conditions from the most powerful and most warlike emperor that the East had ever yet produced. Richard, after thus deigning to apologize for his conduct, burst out into indignation at the cruel treatment which he had met with ; that he, the champion of the cross, still wearing that honourable badge, should, after expending the blood and treasure of his subjects in the common cause of Christendom, be intercepted by christian princes in his return to his own country, be thrown into a dungeon, be loaded with irons, be obliged to plead his cause, as if he were a subject and a malefactor ; and what he still more regretted, be thereby prevented from making his preparations for a new crusade ; which he projected, after the expiration of the truce, and from redeeming the sepulchre of Christ, which had so long been profaned by the dominion of the infidels. The spirit and eloquence of Richard made such impression on the German princes, that they exclaimed loudly against the conduct of the emperor ; the pope threatened him with excommunication ; and Henry, who had hearkened to the proposals of the king of France and prince John, found that it would be impracticable for him to execute his and their base purposes, and detain the king of England any longer in captivity. He therefore concluded with him a treaty for his ransom, and agreed to restore him to his freedom for the sum of 150,000 marks, about 300,000 pounds of our present money ; of which
100,000

The king's
delivery.

CHAP. X. 100,000 marks were paid before he received his liberty, and sixty-seven hostages delivered for the remainder ^U. The emperor, as if to gloss over the infamy of this transaction, made at the same time a present to Richard of the kingdom of Arles, comprehending Provence, Dauphiny, Narbonne, and other states, over which the empire had some antiquated claims, that the king very wisely neglected ^X.

1193-

1194.
4th Feb.

THE captivity of the superior lord was one of the cases provided for by the feudal tenures; and all the vassals were in that event obliged to give an aid for his ransom. Twenty shillings were therefore levied on each knight's fee in England ^Y; but as this money came in slowly, and was not sufficient for the intended purpose, the voluntary zeal of the people readily supplied the deficiency ^Z. The churches and monasteries melted down their plate to the amount of 30,000 marks; the bishops, abbots, and nobles, paid a fourth of their yearly rent; the parochial clergy contributed a tenth of their tythes: And the requisite sum being thus collected, queen Eleanor, and Walter archbishop of Rouen, set out with it for Germany; paid the money to the emperor and the duke of Austria at Mentz; delivered them hostages for the remainder; and freed Richard from captivity. His escape was very critical. Henry had been detected in the assassination of the bishop of Liege, and in an attempt of a like nature on the duke of Louvaine; and finding himself extremely obnoxious to the German princes on account of these odious practices, he had determined to seek support from an alliance with the French king ^A; to detain Richard, the enemy of that prince, in perpetual captivity; to keep in his hands the money which he had already received for his ransom; and to extort new sums from Philip and prince John, who were very liberal in their offers to him ^B. He therefore gave orders that Richard should be pursued and arrested; but the king making all imaginable haste, had already embarked at the mouth of the Schelde, and was out of sight of

^U Hoveden, p. 728. M. Paris, p. 122. Diceto, p. 670. Rymer, vol. i. p. 84. ^X Hoveden, p. 732.
^Y Hoveden, p. 726. 731. ^Z M. Paris, p. 122. Ann. Waverl. p. 164. W. Heming. p. 538. ^A Hoveden, p. 727. Neubrig. W. Heming. p. 539. ^B Hoveden, p. 733.

of land when the messengers of the emperor reached Antwerp. C H A P. X.

THE joy of the English was extreme on the appearance of their monarch, who had suffered so many calamities, who had acquired so much glory, and who had spread the reputation of their name into the farthest East, whither their fame had never before been able to extend^C. He gave them, soon after his arrival, an opportunity of displaying publicly their exultation, by ordering himself to be crowned anew at Winchester; as if he intended, by that ceremony, to reinstate himself in his throne, and to wipe off the ignominy of his captivity^D. Their satisfaction was not even damped, when he declared his purpose of making a general resumption of those exorbitant grants, which he had been necessitated to agree to before his departure for the holy land. The barons also, in a great council, confiscated, on account of his treason, all prince John's possessions in England; and they assisted the king in reducing the fortresses which still remained in the hands of his brother's adherents^E: And Richard, having settled every thing in England, passed over with an army into Normandy; being impatient to make war on Philip, and to revenge himself for the many injuries which he had received from that monarch^F. So soon as Philip heard of the king's delivery from captivity, he wrote to his confederate, John, in these terms: *Take care of yourself: The devil is broke loose*^G.

WHEN we consider such powerful and martial monarchs, inflamed with personal animosity against each other, enraged by mutual injuries, excited by rivalry, impelled by opposite interests, and instigated by the pride and violence of their own temper; our curiosity is naturally raised, and we expect an obstinate and furious war, distinguished by the greatest events, and concluded by some remarkable catastrophe. Yet are the incidents which attended these hostilities so frivolous, that scarce any historian can entertain such a passion for military descriptions as to venture on a detail of them: A certain proof of the extreme weakness of princes in those ages, and

^C W. Heming. p. 539.

^D Hoveden, p. 738. M.

Paris, p. 124. ^E Hoveden, p. 737. Ann. Waverl. p.

165 W. Heming. p. 540.

^F Hoveden, p. 740.

^G Hoveden, p. 739.

CHAP. and of the little authority they possessed over their refractory vassals! The whole whole amount of the exploits on both sides is, the taking a castle, the surprize of a straggling party, a rencounter of horse, which resembles more a rout than a battle. Richard obliged Philip to raise the siege of Verneuil; he took Loches, a small town in Anjou; he made himself master of Beaumont, and some other places of little consequence; and after these trivial exploits, the two kings began already to hold conferences for an accommodation. Philip insisted, that, if a general peace was concluded, the barons on each side should be prohibited from carrying on private wars against each other: But Richard replied, that this was a right claimed by his vassals, and he could not debar them from it^H. After this fruitless negociation, there ensued an action between the French and English cavalry at Fretteval, in which the former were routed, and the king of France's cartulary and records, which commonly at that time attended his person, were taken^I. But this victory leading to no important advantages, a truce for a year was at last, from mutual weakness, concluded between the two monarchs^K.

DURING this war, prince John deserted Philip, threw himself at his brother's feet, craved pardon for his offences, and by the intercession of queen Eleanor, was received into favour^L. *I forgive him, said the king, and hope I shall as easily forget his injuries, as he will my pardon.* John was incapable even of returning to his duty, without committing a baseness. Before he left Philip's party, he invited to dinner all the officers of the garrison, which that prince had placed in the citadel of Evreux; he massacred them during the entertainment; fell, with the assistance of the townsmen, on the garrison, whom he put to the sword; and then delivered up the place to his brother^M.

THE king of France was the great object of Richard's resentment and animosity: The conduct of John, as well as of the emperor and duke of Austria, had been so base and mean, and was exposed to such general odium and reproach, that the king deemed himself sufficiently re-
venged

^H Hoveden, p. 741.

^I Ibid.

^K W. Heming 541.

^L M. Paris, p. 122. W. Heming. p. 544. ^M Phillipid.

lib. 4. p. 143. Rigord. p. 77.

venge for their injuries ; and he seems never to have entertained any project of vengeance against any of them. The duke of Austria, about this time, having crushed his leg by the fall of his horse at a tournament, was thrown into a fever ; and being struck, on the approaches of death, with remorse for his injustice to Richard, he ordered, by will, all the English hostages to be set at liberty, and the remainder of the debt to be remitted^N : His son, who seemed inclined to disobey these orders, was constrained by his ecclesiastics to execute them^O. The emperor also made advances for Richard's friendship, and offered to give him a discharge of all his debt, provided he would enter into an offensive alliance against the king of France ; a proposal which was very acceptable to Richard, and was greedily embraced by him. The treaty with the emperor took no effect ; but it served to rekindle the war between France and England before the expiration of the truce. This war was not distinguished by any more remarkable incident than the former. After mutually ravaging the open country, and taking a few insignificant castles, the two kings concluded a peace at Louviers, and yielded up some territories to each other^P. Their inability to make war occasioned the peace : Their mutual antipathy engaged them again in war before two months expired. Richard imagined, that he had now got an opportunity of striking a severe blow on his rival, by forming an alliance with the counts of Flanders, Tholouze, Boulogne, Champagne, and other considerable vassals of the crown of France^Q. But he soon experienced the insincerity of these princes ; and was not able to make any impression on that kingdom, while governed by a monarch of so much vigour and activity as Philip. The most remarkable incident of this war was the taking prisoner in battle the bishop of Beauvais, a martial prelate, who was of the family of Dreux, and a near relation of the French king. Richard, who hated the bishop, threw him into prison, and loaded him with irons ; and when the pope demanded his liberty, and claimed him as his son, the king sent his holiness the coat of mail which the prelate had

1194

1195.

1196.

^N M. Paris, p. 125. W. Heming, p. 542. Diceto, p. 678.
^O Rymer, vol. i. p. 88, 102. ^P Rymer, vol. i. p. 91.
^Q W. Heming, p. 549. Brompton, p. 1273. Rymer, vol. i. p. 94.

CHAP. had worn in the battle, and which was all besmeared with
 X. blood: And he replied to him, in the terms employed by
 1196. Jacob's sons to that patriarch, *This have we found: Know now whether it be thy son's coat or no*^R. This war between England and France, though carried on with such animosity, that both kings frequently put out the eyes of their prisoners, was soon finished, by a truce of five years; and immediately after signing this treaty, the kings were ready, on some new offence, to break again into hostilities; when the mediation of the cardinal of St. Mary, the pope's legate, accommodated that difference^S. This prelate even engaged the princes to commence a treaty for a more durable peace; but the death of Richard put an end to the negociation.

1199. VIDOMAR, viscount of Limoges, a vassal of the king, had found a treasure, of which he sent part to that prince as a present. Richard, as superior lord, claimed the whole; and at the head of some Brabançons, besieged the viscount in the castle of Chalus, near Limoges, in order to make him comply with his demand^T. The garrison offered to surrender; but the king replied, that, since he had taken the pains to come thither and besiege the place in person, he would take it by force, and would hang every one of them. The same day, Richard, accompanied by Marcadee, leader of his Brabançons, approached the castle in order to survey it; when one Bertrand de Gourdon, an archer, took aim at him, and pierced his shoulder with an arrow. The king, however, gave orders for the assault, took the place, and hanged all the garrison, except Gourdon, who had wounded him, and whom he reserved for a more deliberate and more cruel execution^U.

28th
March.

THE wound was not in itself dangerous; but the unskilfulness of the surgeon made it mortal: He so rankled Richard's shoulder in pulling out the arrow, that a gangrene commenced; and that prince was now sensible that his life was drawing towards a period. He sent for Gourdon, and asked him, *Wretch, what have I ever done you, to oblige you to seek my life? What have you done me?* replied

^R Genes. chap. xxvii. verse 32. M. Paris, p. 128. Brompton, p. 1273.

^S Rymer, vol. i. p. 109, 110.

^T Hoveden, p. 791. Knyghton, p. 2413. ^U Hoveden, p. 791. Knyghton, p. 2413.

plied coolly the prisoner: *You killed with your hands my father, and my two brothers; and you intended to have hanged myself: I am now in your power, and you may take revenge, by inflicting on me the most severe torments: But I shall endure them all with pleasure, provided I can think that with my hands I have rid the world of such a nuisance*^x. Richard, struck with the reasonableness of this reply, and humbled by the near approach of death, ordered Gourdon to be set at liberty, and a sum of money to be given him; but Marcadée, unknown to him, seized the unhappy man, held him alive, and then hanged him. Richard died in the tenth year of his reign, and the forty-second of his age; and he left no issue behind him.

CHAP.
X.
1199.

6th April.
Death,
and character
of the king.

THE most shining part of this prince's character was his military talents. No man, even in that romantic age, carried personal courage and intrepidity to a greater height; and this quality gained him the appellation of the lion-hearted, *cœur de lion*. He passionately loved glory, chiefly military glory; and as his conduct in the field was not inferior to his valour, he seems to have possessed every talent necessary for acquiring it. His resentments also were high; his pride unconquerable; and his subjects, as well as his neighbours, had therefore reason to apprehend, from the continuance of his reign, a perpetual scene of blood and violence. Of an impetuous and vehement spirit, he was distinguished by all the good, as well as the bad qualities, which are incident to that character: He was open, frank, generous, sincere, and brave; he was revengeful, domineering, ambitious, haughty, and cruel; and was thus better calculated to dazzle men by the splendor of his enterprises, than either to promote their happiness or his own grandeur, by a sound and well regulated policy. As military talents make great impression on the people, he seems to have been much beloved by his English subjects; and he is remarked to have been the first prince of the Norman line who bore a sincere affection and regard to them. He passed however only four months of his reign in that kingdom: The crusade employed him near three years; he was detained about fourteen months in captivity; the rest of his reign was spent either in war,

or

^x Hoveden, p. 791. Brompton, p. 1277. Knyghton, p. 2413.

CHAP.

X.

1199.

Miscella-
neous trans-
actions of
that reign.

or preparations for war, against France; and he was so pleased with the fame which he had acquired in the East, that he seems to have determined, notwithstanding all his past misfortunes, to have farther exhausted his kingdom, and to have exposed himself to new hazards, by conducting another expedition against the infidels.

THOUGH the English pleased themselves with the glory which the king's martial talents procured them, his reign was very oppressive, and somewhat arbitrary, by the high taxes which he levied on them, and often without consent of the states or great council. In the ninth of his reign, he levied five shillings on each hyde of land; and because the clergy refused to contribute their share, he put them out of the protection of the law, and ordered the civil courts to give them no sentence for any debts which they might claim^Y. Twice in his reign he ordered all his charters to be sealed anew, and the parties to pay fees for the renewal^Z. It is said that Hubert, his justiciary, sent him over to France, in the space of two years, no less a sum than 1,100,000 marks, besides bearing all the charges of the government in England. But this account is quite incredible, unless we suppose that he made an extreme dilapidation of the demesnes of the crown, which it is not likely he could do with any advantage after his former resumption of all grants. A king who possessed such a revenue could never have endured fourteen months captivity, for not paying 150,000 marks to the emperor, and be obliged at last to leave hostages for a third of the sum. The prices of commodities in this reign are also a certain proof, that no such enormous sum could be levied from the people. A hyde of land, or a hundred and twenty acres, was commonly lett for twenty shillings a-year, money of that time. The general and stated price of an ox was four shillings; of a labouring horse, the same; of a sow, one shilling; of a sheep with fine wool, ten-pence; with coarse wool, six-pence^A. These commodities seem not to have advanced in their prices since the conquest^B.

RICHARD

^Y Hoveden, p. 743. Tyrrel, vol. ii. p. 563. ^Z Prynn's Chronol. Vindic. tom. i. p. 1133. ^A Hoveden, p. 745.

^B Madox, in his *Baronia Anglia*, cap. 14. tells us, That in the 30th of Henry II. thirty-three cows and two bulls cost but eight pounds seven shillings; 500 sheep, twenty-two pounds

RICHARD renewed the severe laws against transgressors in his forests, whom he punished by castration and putting out their eyes, as in the reign of his great-grand-father. He established by law one weight and measure throughout his kingdom^c: An useful institution, which the mercenary disposition and necessities of his successor engaged him to dispense with for money.

CHAP.
X.
1199.

THE disorders in London, derived from its bad police, had risen to a great height during this reign; and in the year 1196, there seemed to be formed a regular conspiracy of malefactors, which threatened the city with destruction. There was one William Fitz-Osbert, commonly called *Longbeard*, a lawyer, who had rendered himself extremely popular among the lower rank of citizens; and by defending them on all occasions, had acquired the appellation of the advocate or saviour of the poor. He exerted his authority, by injuring and insulting the more substantial inhabitants, with whom he lived in a state of hostility, and who were every moment exposed to the most outrageous violences from him and his licentious emissaries. Murders were daily committed in the streets; houses were broke open and pillaged in the day-light; and it is pretended, that no less than fifty-two thousand persons had signed an association, by which they bound themselves to obey all the orders of this dangerous ruffian. Archbishop Hubert, who was then chief justiciary, summoned him before the council to answer for his conduct; but he came so well attended, that no one durst accuse him, or give evidence against him; and the primate, finding the impotence of laws, contented himself with exacting from the citizens hostages for their good behaviour. He kept, however,

pounds ten shillings, or about ten-pence three farthings per sheep; sixty-six oxen for eighteen pounds three shillings; fifteen breeding mares for two pounds twelve shillings and six-pence; and twenty-two hogs, one pound two shillings. Commodities seem then to have been about ten to one cheaper; all except the sheep, probably on account of the value of the fleece. The same author in his *Formulare Anglicanum*, p. 17. says, That in the 10th year of Richard I. mention is made of ten per cent. paid for money: But the Jews frequently exacted much higher interest.

^c M. Paris, p. 109, 134. Trivet, p. 127. Ann. Waverl. p. 165. Hoveden, p. 774.

CHAP. however, a watchful eye on William; and seizing a favourable opportunity, attempted to commit him to custody; but the criminal, murdering one of the public officers, escaped with his concubine to the church of St. Mary le Bow, where he defended himself by force of arms. He was at last forced from his retreat, condemned, and executed, amidst the infinite regrets of the populace, who were so devoted to his memory, that they stole his gibbet, paid the same veneration to it as to the cross, and were equally zealous in propagating and attesting reports of the miracles which were wrought by it^D. But though the sectaries of this superstition were punished by the justiciary^E, it received so little encouragement from the established clergy, whose property was endangered by such seditious practices, that it suddenly sunk and vanished.

CHAP.

^D Hoveden, p. 765. Diceto, p. 691. Neubrig. p. 492, 493. ^E Gervase, p. 1591.

C H A P. XI.

J O H N.

Accession of the King — His marriage — War with France — Murder of Arthur, duke of Brittany — The king expelled from all the French provinces — The king's quarrel with the court of Rome — Cardinal Langton appointed archbishop of Canterbury — Interdict of the kingdom — Excommunication of the king — The king's submission to the pope — Discontents of the barons — Insurrection of the barons — Magna Charta — Renewal of the civil wars — Prince Lewis called over — Death — and character of the king.

THE noble and free genius of the antiënts, which made the government of a single person be always regarded as a species of tyranny and usurpation, and kept them from forming any conception of a legal and regular monarchy, had rendered them entirely ignorant both of the rights of *primogeniture* and a *representation* in succession; inventions so necessary to preserve order in the lines of princes, to obviate the evils of civil discord and of usurpation, and to beget moderation in that species of government, by giving security to the ruling sovereign. These innovations arose from the feudal law; which, first introducing the right of primogeniture, made such a distinction between the families of the elder and younger brothers, that the son of the former was thought intitled to succeed to his grand-father, preferable to his uncles, tho' nearer allied to the deceased monarch. But tho' this progress of ideas was natural, it was gradual. In the age of which we treat, the practice of representation was indeed introduced, but not thoroughly established; and the minds of men floated between opposite principles. Richard, when he entered on the holy war, declared his nephew, Arthur duke of Brittany, his successor; and by a formal deed, he set aside, in his favour, the title of his brother John, who was younger than Geoffrey, the father of that prince^E. But John so little acquiesced in this destination, that when

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king.

VOL. II.

D

he

^E Hoveden, p. 677. M. Paris, p. 112. Chron. de Dunst. p. 43. Rymer, vol. i. p. 66, 68. Bened. Abb. p. 619.

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he gained the ascendant in the English ministry, by expelling Lonchamp, the chancellor and great justiciary, he engaged all the English barons to swear, that they would maintain his right of succession; and Richard, on his return, took no steps towards restoring or securing the order which he had at first established. He was even careful, by his last will, to declare his brother John heir to all his dominions^F; whether, that he now thought Arthur, who was only twelve years of age, incapable of asserting his claim against John's faction, or was influenced by Eleanor, the queen-mother, who hated Constantia, mother to the young duke, and who dreaded the influence which that princess would naturally acquire during the reign of her son. The authority of a testament was great in that age, even where the succession of a kingdom was concerned; and John had reason to hope, that this title, joined to his plausible right in other respects, would ensure him the succession. But the idea of representation seems to have made, at this time, greater progress in France than in England; and the barons of the transmarine provinces, Anjou, Maine, and Touraine, immediately declared in favour of Arthur's succession^G, and applied for the assistance of the French monarch as their superior lord. Philip, who desired only an occasion to embarrass John, and diminish his dominions, embraced the cause of the young duke of Brittany, took him under his protection, and sent him to Paris to be educated, along with his son Lewis^H. In this emergence, John hastened to establish his authority in the chief members of the monarchy; and after sending Eleanor into Poitou and Guienne, where her right was incontestible, and was readily acknowledged, he hurried to Rouen, and being there invested in the duchy of Normandy, he passed over without loss of time into England. Hubert, archbishop of Canterbury, William Mareschal, earl of Strigul, who also passes by the name of the earl of Pembroke, and Geoffrey Fitz-Peter, the justiciary, the three most favoured ministers of the late king, were already engaged on his side^I; and the submission

^F Hoveden, p. 791. Trivet, p. 138. ^G Hoveden, p. 792. M. Paris, p. 137. Matth. West. p. 263. Knyghton, p. 2414. ^H Ibid. ^I Hoveden, p. 793. M. Paris, p. 138.

submission or acquiescence of all the other barons put him, **CHAP.**
without opposition, in possession of the throne. **XI.**

THE king soon returned to France, in order to conduct the war against Philip, and to recover the revolted provinces from his nephew, Arthur. The alliances which Richard had formed with the earl of Flanders^K, and other potent French barons, tho' they had not been effectual, still subsisted, and enabled John to defend himself against all the efforts of his enemy. In an action between the French and Flemings, the elect bishop of Cambrai was taken prisoner by the former; and when the cardinal of Capua claimed his liberty, Philip, instead of complying, reproached him with the weak efforts which he had employed in favour of the bishop of Beauvais, who was in a like condition. The legate, to shew his impartiality, laid at the same time the kingdom of France and the dutchy of Normandy under an interdict; and the two kings found themselves obliged to make an exchange of these military prelates.

1199.

NOTHING enabled the king to bring this war to a happy issue so much as the selfish, intriguing character of Philip, who acted, in the provinces that had declared for Arthur, without any regard to the interests of that prince; and inspired Constantia with a violent jealousy, that he intended to usurp the entire dominion of them^L. She therefore found means to carry off her son secretly from Paris; she put him into the hands of his uncle; restored the provinces which had adhered to him; and made him do homage for the dutchy of Brittany, which was usually regarded as a fere-fief of Normandy. From this incident, Philip saw, that he could not hope to make any progress against John; and being threatened with an interdict on account of his irregular divorce from Ingelburga, the Danish princess, whom he had espoused, he became very desirous of concluding a peace with England. After some fruitless conferences, the terms were at last adjusted; and the two monarchs seemed in this treaty to have an intention, besides ending the present quarrel, of preventing all future causes of discord, and of obviating every controversy which could hereafter arise between them. They adjusted the limits of all their territories; mutually secured

1200.

D 2

^K Rymer, vol. i. p. 114. Hoveden, p. 794. M. Paris, p. 138. ^L Hoveden, p. 795.

CHAP.

XI.

1200.

The king's
marriage.

the interest of their vassals; and to render the union more durable, John gave his niece, Blanche of Castile, in marriage to prince Lewis, Philip's eldest son, and with her the baronies of Iffoudun and Graçai, and other fiefs in Berri. Nine barons of the king of England, and as many of the king of France, were guarantees of this treaty; and all of them swore, that, if their sovereign violated any article of it, they would declare themselves against him, and embrace the cause of the injured monarch ^M.

JOHN, now secure, as he imagined, on the side of France, indulged his passion for Isabella, the daughter and heir of Aymar Taillefer, count of Angouleme, a lady with whom he had become much enamoured. His queen, the heiress of the family of Glocester, was still alive: Isabella was married to the count de la Marche, and was already delivered into the hands of that nobleman; though, by reason of her tender years, the marriage had not been consummated. The passion of John made him over-look all these obstacles: He persuaded the count of Angouleme to carry off his daughter from her husband; and having, on some pretence or other, procured a divorce from his own wife, he espoused Isabella ^N, regardless both of the menaces of the pope, who exclaimed against these irregular proceedings, and of the resentment of the injured count, who soon found means to punish his powerful and insolent rival.

1201.

JOHN had not the art of attaching his barons either by affection or by fear. The count de la Marche, and his brother the count d'Eu, taking advantage of the general discontent against him, excited commotions in Poitou and Normandy; and obliged the king to have recourse to arms, in order to suppress the insurrection of his vassals. He summoned together the barons of England, and required them to pass the seas under his standard, and to quell the rebels: He found that he possessed as little authority in that kingdom as in his transmarine provinces. The English barons unanimously replied, that they would not attend on this expedition, unless he would promise to restore

^M Norman. Duchesnii, p. 1055. Rymer, vol. i. p. 117, 118, 119. Hoveden, p. 814. Chron. Dunst. vol. i. p. 47.
^N Hoveden, p. 803. M. Paris, p. 140. Trivet, p. 140. Ann. Waverl. p. 166. Ypod. Neust. p. 458. Ann. Murgan, p. 12. M. West. p. 263.

restore and preserve their privileges^o: The first symptom of a regular association and plan of liberty among those noblemen! But affairs were not yet fully ripe for the revolution projected. John, by menacing the barons, broke the concert; and both engaged many of them to follow him into Normandy, and obliged the rest, who staid behind, to pay him a scutage of two marks on each knight's fee, as the price of their exemption from the service.

THE force which John carried abroad with him, and that which joined him in Normandy, rendered him much superior to his malcontent barons; and so much the more, as Philip gave them not publicly any countenance, and seemed as yet determined to persevere steadily in the union which he had formed with England. But the king, elated with his superiority, advanced claims, which gave an universal alarm to his vassals, and diffused still wider the general discontent. As the jurisprudence of those times required, that the causes in the lord's court should chiefly be decided by duel, he carried along with him certain bravos, whom he retained as champions, and whom he destined to fight with his barons, in order to determine any controversy which he might raise against them^p. The count de la Marche, and other noblemen, regarded this proceeding as an affront, as well as an injury; and declared, that they would never draw their swords against men of such inferior quality. The king menaced them with vengeance; but he had not vigour to employ against them the force in his hands, or to prosecute the injustice, by crushing intirely the nobles who opposed it.

THIS government, equally feeble and violent, gave War with courage as well as inclination to the injured barons to carry farther their opposition: They appealed to the king of France; complained of the denial of justice in John's courts; demanded redress from him as their superior lord; and entreated him to employ his authority, and prevent their final ruin and oppression. Philip perceived his advantage, opened his mind to great projects, interposed in behalf of the French barons, and began to talk in a high and menacing style to the king of England. John, who could not disavow Philip's authority, replied, that it belonged to him first to grant them a trial by their peers in his own court; it was not till he failed in this duty, that he

^o Annal. Burton, p. 262.^p Annal. Burt. p. 262.

CHAP. was answerable to his peers in the supreme court of the
XI. French king ^{Q.} and he promised, by a fair and equitable
 judicature, to give satisfaction to his barons. When the
 nobles, in consequence of this engagement, demanded a
 safe conduct, that they might attend his court, he first re-
 fused it: Upon the renewal of Philip's menaces, he pro-
 mised to grant their demand; he violated this promise; fresh menaces extorted from him a promise to surrender to Philip the fortresses of Tillieres and Boutavant, as a security for performance; he violated again this engagement; his enemies, sensible both of his weakness and want of faith, combined still closer in the resolution of pushing him to extremities; and a new and powerful ally soon appeared to encourage them in their invasion of this odious and despicable government.

1203. The young duke of Brittany, who was now rising to man's estate, sensible of the dangerous character of his uncle, determined to seek both his security and advancement by an union with Philip and the malecontent barons. He joined the French army, which had begun hostilities against the king of England: He was received with great marks of distinction by Philip; was knighted by him; espoused his daughter Mary; and was invested not only in the duchy of Brittany, but in the counties of Anjou and Maine, which he had formerly resigned to his uncle ^{R.} Every attempt succeeded with the allies. Tillieres and Boutavant were taken by Philip, after making a feeble defence: Mortimer and Lyons fell into his hands almost without resistance. That prince next invested Gournai; and opening the sluices of a lake, which lay in the neighbourhood, poured such a torrent of water into the place, that the garrison deserted it, and the French monarch, without striking a blow, made himself master of that important fortress. The progress of the French arms was rapid, and promised more considerable success than usually in that age attended military enterprizes. In answer to every advance which the king of England made towards peace, Philip still insisted, that he should resign all his transmarine dominions to his nephew, and rest contented with the kingdom of England; when an event happened, which seemed to turn the scales in favour of John, and to give him a decisive superiority over his enemies.

YOUNG

^{Q.} Philipp. lib. 6.

^{R.} Trivet, p. 142.

YOUNG Arthur, fond of military renown, had broke into Poiçtou at the head of a small army; and passing near Mirabel, he heard that his grand-mother, queen Eleanor, who had always opposed his interests, was lodged in that place, and was protected by a weak garrison, and ruinous fortifications^s. He immediately determined to lay siege to the fortress, and make himself master of her person: But John, roused from his indolence by so pressing an occasion, collected an army of English and Brabantons, and advanced from Normandy with hasty marches to the relief of the queen-mother. He fell on Arthur's camp before that prince was aware of the danger; dispersed his army; took him prisoner, together with the count de la Marche, Geoffrey de Lusignan, and the most considerable of the revolted barons; and returned in triumph to Normandy^t. Philip, who was lying before Arques in that duchy, raised the siege, and retired upon his approach^u. The greater part of the prisoners were sent over to England; but Arthur was shut up in the castle of Falaise.

THE king had here a conference with his nephew; represented to him the folly of his pretensions; and required him to renounce the French alliance, which had encouraged him to enter into enmity against all his family: But the brave youth, rendered more haughty from misfortunes, maintained the justice of his cause; asserted his claim, not only to the French provinces, but to the crown of England; and in his turn, required the king to restore the son of his elder brother to the possession of his inheritance^x. John, sensible, from these symptoms of spirit, that the young prince, tho' now a prisoner, might some time prove a most dangerous enemy, determined to prevent all future peril by dispatching his nephew; and Arthur was never more heard of. The circumstances which attended this deed of darkness, were, no doubt, carefully concealed by the actors, and are variously related by historians: But the most probable account is as follows. The king, it is said, first proposed to William de la Braye, one of his servants, to dispatch Arthur; but William replied, that he was a gentleman, not a hangman; and he positively

^s Ann. Waverl. p. 167. M. West. p. 264. ^t Ann. Marg. p. 213. M. West. p. 264. ^u M. West. p. 264. ^x Ibid.

CHAP. XI. tively refused compliance. Another instrument of murder was found, and was dispatched with proper orders to Falaise; but Hubert de Bourg, chamberlain to the king, and constable of the castle, feigning, that he himself would execute the king's mandate, sent back the assassin, spread the report that the young prince was dead, and publicly performed all the ceremonies of his interment: But finding, that the Bretons vowed vengeance for the murder, and that all the revolted barons persevered more obstinately in their rebellion, he thought it prudent to reveal the secret, and to inform the world that the duke of Brittany was still alive, and in his custody. This discovery proved fatal to the young prince: John first removed him to the castle of Rouen; and coming in a boat, during the night-time, to that place, commanded Arthur to be brought forth to him. The young prince, aware of his danger, and now more subdued by the continuance of his misfortunes, and by the approach of death, threw himself on his knees before his uncle, and begged for mercy: But the barbarous tyrant, making no reply, stabbed him with his own hands; and fastening a stone to the dead body, threw it into the Seine.

THE whole world was struck with horror at this inhuman deed; and from that moment, the king, detested by his subjects, retained a very precarious authority over both the people and the barons in his dominions. The Bretons, enraged at this disappointment in their fond hopes, waged implacable war against him; and fixing the succession of their government, put themselves in a posture to revenge the murder of their sovereign. John had got into his power his niece, Eleanor, sister to Arthur, commonly called *the damsel of Brittany*; and carrying her over to England, detained her ever after in captivity. But the Bretons, in despair of recovering this princess, chose Alice for their sovereign; a younger daughter of Constantia, by her second marriage with Gui de Thouars; and they entrusted the government of the dutchy to that nobleman. Constantia, mean while, the mother of the murdered prince, seconded by all the states of Brittany, carried their complaints before Philip as their liege lord, and demanded justice for the violence committed by John on the person of Arthur, so near a relation, who, notwithstanding

withstanding the homage which he did to Normandy, was always regarded as one of the chief vassals of the crown. Philip received their application with pleasure; summoned John to stand a trial before him; and on his non-appearance, passed sentence, with the concurrence of the peers, upon that prince; declared him guilty of felony and parricide; and adjudged him to forfeit to his superior lord all his seignories and fiefs in France ^z.

THE king of France, whose ambitious and active spirit had been hitherto confined, either by the sound policy of Henry, or the martial genius of Richard, seeing now the opportunity favourable against this base and odious prince, embraced the project of expelling the English, or rather the English king, from France, and of annexing to the crown so many considerable fiefs, which, during several ages, had been dismembered from it. Many of the other great vassals, whose jealousy might have interposed, and have obstructed the execution of this project, were not at present in a situation to oppose it; and the rest either looked on with indifference, or gave their assistance to this dangerous aggrandizement of their superior lord. The earls of Flanders and Blois were engaged in the holy war: The count of Champagne was an infant, and under the guardianship of Philip: The dutchy of Brittany, enraged at the murder of their prince, vigorously promoted all his measures: And the general defection of John's vassals made every enterprize easy and successful against him. Philip, after taking several castles and fortresses beyond the Loire, which he either garrisoned or dismantled, received the submissions of the count of Alençon, who deserted John, and delivered up all the places under his command to the French king: Upon which, Philip separated his army, in order to give them some repose after the fatigues of the campaign. John, suddenly collecting some troops, laid siege to Alençon; and Philip, whose dispersed army could not be brought together in time to secure it, saw himself exposed to the disgrace of suffering the oppression of his friend and confederate. But his active and fertile genius found an expedient against this evil. There was held at that very time a tournament at Moret in the Gatinois; whither all the chief nobility of France and

^z W. Henning. p. 455. M. West. p. 264. Knyghton, p. 2420.

CHAP. XI. and the neighbouring countries had resorted, in order to signalize their courage and address. Philip presented himself before them; craved their assistance in his distress; and pointed out the plains of Alençon as the most honourable field, in which they could display their generosity and martial spirit. Those valorous knights vowed, that they would take vengeance on the base parricide, the stain of arms and of chivalry; and putting themselves, with all their retinue, under the command of Philip, instantly marched to raise the siege of Alençon. John, hearing of their approach, fled from before the place; and in the hurry abandoned all his tents, machines, and baggage, to the enemy.

THIS feeble effort was the last exploit of that slothful and cowardly prince for the defence of his dominions. He thenceforth remained in total inactivity at Rouen; and passed all his time, with his young wife, in pastimes and amusements, as if his state had been in the most profound tranquillity, or his affairs in the most prosperous condition. If he ever mentioned war, it was only to give himself vaunting airs, which, in the eyes of all men, rendered him still more despicable and ridiculous. *Let the French go on, said he, I will retake in a day what has cost them years to acquire*^A. His stupidity and indolence appeared so extraordinary, that the people endeavoured to account for the insatiation by sorcery, and believed, that he was thrown into this lethargy by some magic and witchcraft. The English barons, finding that their time was wasted to no purpose, and that they must suffer the disgrace of seeing, without resistance, the progress of the French arms, withdrew from their colours, and secretly returned to their own country^B. No one thought of defending a man, who seemed to have deserted himself; and his subjects looked on his fate with the same indifference, to which, in this pressing exigency, they saw him totally abandoned.

JOHN, while he neglected all domestic resources for his safety, had the meanness to betake himself to a foreign power, whose protection he claimed: He applied to the pope, Innocent III. and entreated him to interpose with his authority between him and the French monarch. Innocent,

^A M. Paris, p. 146. M. West, p. 266.
^B M. Paris, p. 146. M. West, p. 264.

noent, pleased with any occasion of exerting his superiority, sent Philip orders to stop the progress of his arms, and to make peace with the king of England. But the French barons received this message with indignation; disclaimed the temporal authority challenged by the pontiff; and vowed, that they would, to the uttermost, assist their prince against all his enemies: And Philip, seconding their ardour, proceeded, instead of obeying the Pope's envoys, to lay siege to Chateau Gaillard, the most considerable fortress which remained to guard the frontiers of Normandy.

CHATEAU Gaillard was situated partly on an island in the river Seine, partly on a rock opposite to it; and was secured by every advantage, which either art or nature could bestow upon it. The late king, having cast his eye on this favourable situation, had spared no labour nor expence in fortifying it; and it was defended by Roger de Laci, constable of Chester, a determined officer, at the head of a numerous garrison. Philip, who despaired of taking the place by force, proposed to subdue it by famine; and that he might cut off its communication with the neighbouring country, he threw a bridge across the Seine, while he himself with his army blockaded it by land. The earl of Pembroke, the man of greatest vigour and capacity in the English court, formed a plan for breaking through the French entrenchments, and throwing relief into the place. He carried with him an army of 4000 infantry and 3000 cavalry, and suddenly attacked, with great success, Philip's camp in the night-time; having left orders, that a fleet of seventy flat-bottomed vessels should sail up the Seine, and fall at the same instant on the bridge. But the wind and the current of the river, by retarding the vessels, disconcerted this plan of operations; and it was morning before the fleet appeared; when Pembroke, tho' successful in the beginning of the action, was already repulsed with considerable loss, and the French king had leisure to defend himself against these new assailants, who were repulsed in their turn. After this misfortune, John made no farther efforts for the relief of Chateau Gaillard; and Philip had all the leisure requisite for conducting and finishing the siege. Roger de Laci defended himself for a twelvemonth with great obstinacy; and having bravely repulsed every attack, and patiently borne all the hardships of famine, he was at last overpowered

CHAP. powered by a sudden assault in the night-time, and made
 XI. prisoner of war, with his garrison^c. Philip, who knew
 1205. how to respect valour even in an enemy, treated him with
 the utmost civility; and gave him the whole city of Paris
 for the place of his confinement.

WHEN this bulk of Normandy was once subdued, all the province lay open to the inroads of Philip; and the king of England despaired of being any longer able to defend it. He secretly prepared vessels for a scandalous flight; and that the Normans might no longer doubt of his resolution to abandon them, he ordered the fortifications of Pont de l'Arche, Moulineaux, and Montfort l'Amauri to be demolished. Not daring to repose confidence in any of his barons, whom he believed to be universally engaged in a conspiracy against him, he entrusted the government of the province to Archas Martin and Lupicaire, two mercenary Brabançons, whom he had retained in his service. Philip, now secure of his prey, pushed his conquests with vigour and success against the dismayed Normans. Falaise was first besieged; and Lupicaire, who commanded in this impregnable fortress, after surrendering the place, enlisted himself with his troops in the service of Philip, and carried on hostilities against his ancient master. Caen, Cautance, Seez, Evreux, Baieux soon fell into the hands of the French monarch, and all the lower Normandy was reduced under his dominion. To forward his enterprizes on the other division of the province, Gui de Thouars, at the head of the Bretons, broke into the territory, and took Mount St. Michael, Avranches, and all the other fortresses in that neighbourhood. The Normans, who abhorred the French yoke, and who would have defended themselves to the last extremity, if their prince had appeared to conduct them, found no resource but in submission; and every city opened its gates, as soon as Philip appeared before it. Rouen alone, Arques and Verneuil determined to maintain their liberties; and formed a confederacy for mutual defence. Philip began with the attack of Rouen; and the inhabitants were so inflamed with hatred to France, that, on the appearance of his army, they fell on all the natives of that country, whom they found within their walls, and put

^c Trivet, p. 144. Göl. Britto, lib. 7. Ann. Waverl. p. 168.

put them to death. But after the French king had begun his operations with success, and had taken some of their outworks, the citizens, seeing no resource, offered to capitulate; and demanded only thirty days to advertise their prince of their danger, and to require succours against the enemy. Upon the expiration of the term, as no supply had arrived, they opened their gates to Philip^D; and the whole province soon after imitated their example, and submitted to the victor. Thus was this important territory reunited to the crown of France, near three centuries after the cession of it by Charles the Simple to Rollo, the first duke: And the Normans, sensible that this conquest was probably final, demanded the privilege of being governed by French laws; which Philip, making a few alterations on the antient Norman customs, readily granted them. But the French monarch had too much ambition and genius to stop in his present career of success. He carried his victorious army into the western provinces; soon reduced Anjou, Maine, Touraine, and part of Poictou under his dominion^E; and in this manner, the French crown, during the reign of one able and active prince, received such an accession of power and grandeur, as, in the ordinary course of things, would have required it several ages to attain.

JOHN, on his arrival in England, that he might cover the disgrace of his own conduct, exclaimed loudly against his barons, who, he pretended, had deserted his standard in Normandy; and he arbitrarily extorted from them a seventh part of all their moveables, as a punishment for this offence^F. Soon after he forced them to grant him a scutage of two marks and a half on each knight's fee for an expedition into Normandy; but he did not attempt to execute the service, for which he pretended to exact it. Next year, he summoned all the barons of his realm to attend him on this foreign expedition, and collected the ships from all the sea-ports; but meeting with opposition from some of his ministers, and repenting him of his design, he dismissed both fleet and army, and then renewed his exclamations against the barons for deserting him. He next put to sea with a small army, and his subjects believed, that he was resolved to expose himself to the utmost hazards

^D Trivet, p. 147. Ypod. Neuff. p. 459.
^F M. Paris, p. 146. M. West. p. 265.

^E Trivet,

CHAP. hazards for the defence and recovery of his dominions :

XI.

1206.

But they were surprized, after a few days, to see him return again into harbour, without attempting any thing. In the subsequent season, he had the courage to carry his hostile measures a step farther. Gui de Thouars, who governed Brittany, being jealous of the rapid progress, made by his ally, the French king, promised to join the king of England with all his forces; and John ventured abroad with a considerable army, and landed at Rochelle. He marched to Angers; which he took and reduced to ashes. But the approach of Philip with an army threw him into terrors; and he immediately made proposals of peace, and fixed a place of interview, with his enemy. But instead of keeping this engagement, he stole off with his army, embarked at Rochelle, and returned, loaded with new shame and disgrace, into England. The mediation of the pope procured him at last a truce for two years with the French monarch^G; almost all the transmarine provinces were ravished from him; and his English barons, tho' harassed with arbitrary taxes and fruitless expeditions, saw themselves and their country baffled and affronted in every enterprize.

In an age, when personal valour was regarded as the chief accomplishment, such conduct as that of John, disgraceful at any time, must be exposed to peculiar contempt; and he must thenceforth expect to rule his turbulent vassals with a very doubtful authority. But the government, exercised by the Norman princes, had wound up the royal power to so high a pitch, and so much beyond the usual tenor of the feudal constitutions, that it behoved him to be debased by new affronts and disgraces, ere his barons could entertain the view of conspiring against him, in order to retrench his exorbitant prerogatives. The church, which, at that time, declined not a contest with the most powerful and vigorous monarchs, took first advantage of John's imbecility; and with the most aggravating circumstances of insolence and scorn, fixed her yoke upon him.

1207. The papal chair was then filled by Innocent III. who, having attained that dignity at the age of thirty-seven years, and being endowed with a lofty and enterprising genius, gave full scope to his ambition, and attempted, perhaps

^G Rymer, vol. i. p. 141.

haps more openly than any of his predecessors, to convert that superiority, which was yielded him by all the European princes, into a real dominion over them. The hierarchy, protected by the Roman pontiff, had already carried to an enormous height its usurpations upon the civil power; but in order to extend them farther, and render them useful to the court of Rome, it was necessary to reduce the ecclesiastics themselves under an absolute monarchy, and to make them entirely dependent on their spiritual leader. For this purpose, Innocent first attempted to impose taxes at pleasure upon the clergy; and in the first year of this century, taking advantage of the popular frenzy for crusades, he sent collectors over all Europe, who levied by his authority the fortieth of all ecclesiastical revenues, for the relief of the holy land, and received the voluntary contributions of the laity to a like amount^H. The same year Hubert, archbishop of Canterbury, attempted another innovation, favourable to ecclesiastical and papal power: In the king's absence, he summoned, by his legatine authority, a synod of all the English clergy, contrary to the prohibition of Geoffrey Fitz-Peter, the chief justiciary; and no proper censure was ever passed on this encroachment, the first of the kind, upon the royal power. But a favourable incident soon after happened, which enabled so aspiring a pontiff as Innocent, to extend still farther his usurpations on so contemptible a prince as John.

CHAP.
XI.
1207.
The king's quarrel with the court of France.

HUBERT, the primate, died in 1205; and as the monks or canons of Christ-church, Canterbury, possessed a right of voting in the election of their archbishop, some of the juniors of the order, who lay in wait for that event, met clandestinely the very night of Hubert's death; and without any congé d'elire from the king, chose Reginald, their sub-prior, for the successor; installed him in the archi-episcopal throne before midnight; and having enjoined him the strictest secrecy, sent him immediately to Rome, in order to solicit the confirmation of his election^I. The vanity of Reginald prevailed over his policy; and he no sooner arrived in Flanders, than he revealed to every one the purpose of his journey, which was immediately known in England^K. The king was enraged at the novelty

^H Rymer, vol. i. p. 119.
West, p. 266.

^I M. Paris, p. 148. M.
^K Ibid.

CHAP. velty and temerity of the attempt, in filling so important
 XI. an office without his knowledge or consent : The suffragan
 1207. bishops of Canterbury, who were accustomed to concur
 in the choice of their primate, were no less displeased at
 the exclusion given them in this election : The elder
 monks of Christ-church were injured by the irregular pro-
 ceedings of their juniors : The juniors themselves, ashamed
 of their conduct, and disgusted with the levity of Reginald,
 who had broke his engagement with them, were willing to set
 aside his election^L : And all men concurred in the design of
 remedying the false measures, which had been taken. But as
 John knew, that this affair would be canvassed before a
 superior tribunal, where the interposition of royal authority,
 in bestowing ecclesiastical benefices, was very invidious ;
 where even the cause of suffragan bishops was not so
 favourable as that of monks ; he determined to make the new
 election entirely unexceptionable : He submitted the affair
 wholly to the canons of Christ-church ; and departing from
 the right, claimed by his predecessors, ventured no farther
 than to inform them privately, that they would do him an
 acceptable piece of service, if they chose John de Gray,
 bishop of Norwich, for their primate^M. The election of that
 prelate was accordingly made without a contradictory vote ;
 and the king, to obviate all contests, endeavoured to
 persuade the suffragan bishops not to insist on their right
 of concurring in the election : But those prelates, persevering
 in their pretensions, sent an agent to maintain their cause
 before Innocent ; while the king, and the convent of Christ-
 church, dispatched twelve monks of that order to support
 before the same tribunal, the election of the bishop of
 Norwich.

THUS, there lay three different claims before the pope,
 whom all parties allowed to be the supreme arbiter of the
 contest. The claim of the suffragans, being so opposite to
 the usual maxims of the papal court, was soon set aside :
 The election of Reginald was so obviously fraudulent and
 irregular, that there was no possibility of defending it :
 But Innocent maintained, that, though this election was
 null and invalid, it ought previously to have been declared
 such by the sovereign pontiff, before the monks could

^L M. West. p. 266.
 p. 266.

^M M. Paris. p. 149. M. West.

could proceed to a new election; and that the choice of the bishop of Norwich was of course as uncanonical as that of his competitor^N. Advantage was, therefore, taken of this subtlety for introducing a precedent, by which the see of Canterbury, the most important dignity in the church after the papal throne, should be ever after at the disposal of the court of Rome.

WHILE the pope maintained so many fierce contests, in order to wrest from princes the right of granting investitures, and to exclude laymen from all authority of conferring ecclesiastical benefices, he was supported by the united influence of the clergy, who, aspiring to independence, fought, with all the ardour of ambition, and all the zeal of superstition, under his sacred banners. But no sooner was this point, after a great effusion of blood, and the convulsions of many states, established in some tolerable degree, than the victorious leader, as is usual, turned his arms against his own community, and aspired to center all power in his person. By the invention of reserves, provisions, commendams, and other devices, the pope gradually assumed the right of filling vacant benefices; and the plenitude of his apostolic power, which was not subject to any limitations, supplied all defects of title in the person on whom he bestowed preferment. The canons which regulated elections were purposely rendered intricate and involved: Frequent disputes arose among candidates: Appeals were every day carried to Rome: The apostolic see, besides reaping pecuniary advantages from these contests, often exercised the power of setting aside both the litigants, and on pretence of appeasing faction, nominated a third person, who might be more acceptable to the contending parties.

THE present controversy about the election to the see of Canterbury afforded Innocent an opportunity of claiming this right; and he failed not to perceive and avail himself of this advantage. He sent for the twelve monks deputed by the convent to maintain the cause of the bishop of Norwich; and commanded them, under the penalty of excommunication, to chuse for their primate, cardinal Langton, an Englishman by birth, but educated in France, and connected, by his interests and attachments, with the

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E

see

^N M. Paris, p. 155. Chron. de Mailr. p. 182.

CHAP.

XI.

1207.
Cardinal
Langton
appointed
archbi-
shop of
Canter-
bury.

see of Rome^o. In vain did the monks represent, that they had received from their convent no authority for this purpose; that an election, without a previous writ from the king, would be deemed highly irregular; and that they were merely agents for another person, whose right they had no power or pretence to abandon. None of them had the courage to persevere in this opposition, except one, Elias de Brantefield: All the rest, overcome by the menaces and authority of the pope, complied with his orders, and made the election required of them.

INNOCENT, sensible that this flagrant usurpation would be highly resented by the court of England, wrote John a mollifying letter; sent him four golden rings set with precious stones; and endeavoured to enhance the value of the present, by informing him of the many mysteries which were implied in it. He begged him to consider seriously the *form* of the rings, their *number*, their *matter*, and their *colour*. Their form, he said, being round, shadowed out eternity, which had neither beginning nor end; and he ought thence to learn his duty of aspiring from earthly objects to heavenly; from things temporal to things eternal. The number four, being a square, denoted steadiness of mind, not to be subverted either by adversity or prosperity, fixed for ever on the firm basis of the four cardinal virtues. Gold, which is the matter, being the most precious of metals, signified Wisdom, which is the most precious of all accomplishments, and justly preferred by Solomon to riches, power, and all exterior attainments. The blue colour of the sapphire represented Faith; the verdure of the emerald, Hope; the redness of the ruby, Charity; and the splendor of the topaz, Good Works^p. By these conceits, Innocent endeavoured to repay John for one of the most important prerogatives of his crown, which he had ravished from him; conceits probably admired by Innocent himself. For it is easily possible for a man, especially in a barbarous age, to unite strong talents for business with an absurd taste in literature and in the arts.

JOHN

^o M. Paris, p. 155. Ann. Waverl. p. 169. W. Heming.
p. 553. Knyghton, p. 2415. ^p Rymer, vol. i. p. 139.
M. Paris, p. 155.

JOHN was inflamed with the utmost rage, when he heard of this attempt of the court of Rome^Q; and he immediately vented his passion on the monks of Christ-church, whom he found inclined to support the election made by their fellows at Rome. He sent Fulk de Cantelupe, and Henry de Cornhulle, two knights of his train, men of violent tempers and rude manners, to expel them the convent, and take possession of their revenues. These knights entered the monastery with drawn swords, commanded the prior and the monks to depart the kingdom, and menaced them, that, in case of disobedience, they would instantly burn them with the convent^R. Innocent, prognosticating, from the violence and imprudence of these measures, that John would finally sink in the contest, persevered the more vigorously in his pretensions, and exhorted the king not to oppose God and the church any longer, nor to persecute that cause for which the holy martyr, St. Thomas, had sacrificed his life, and which had exalted him equal to the highest saints in heaven^S: A sufficient hint to John to profit by the example of his father, and to remember the prejudices and established principles of his subjects, who bore a profound veneration to that martyr, and regarded his merits as the subject of their chief glory and exultation.

THE pontiff, finding that John was not yet sufficiently tamed to submission, sent three prelates, the bishops of London, Ely, and Worcester, to intimate to him, that, if he persevered in his disobedience, Innocent would be obliged to put the kingdom under an interdict^T. All the other prelates threw themselves on their knees before him, and entreated him, with tears in their eyes, to prevent the scandal of this sentence, by making a speedy submission to his spiritual father, by receiving from his hands the new elected primate, and by restoring the monks of Christ-church to all their rights and possessions. He burst out into the most indecent invectives against the prelates; swore by God's teeth, his usual oath, that if the pope presumed to put his kingdom under an interdict, he would send to him all the bishops and clergy of England, and would confiscate all their estates; and threatened, that, if

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thence-

^Q Rymer, vol. i. p. 143. ^R M. Paris, p. 156. Trivet, p. 151. Ann. Waverl. p. 169. ^S M. Paris, p. 157.
^T Ibid.

CHAP. thenceforth he caught any Romans in his dominions, he would put out their eyes, and cut off their noses, in order to set a mark upon them, which might distinguish them from all other nations ^U. Amidst all this idle violence, John stood on such bad terms with his nobility, that he never dared to assemble the states of the kingdom, who, in so just a cause, would probably have adhered to any other monarch, and have defended with vigour the liberties of the nation against these palpable usurpations of the court of Rome. Innocent, therefore, perceiving the king's weakness, fulminated at last the sentence of the interdict, which he had for some time held suspended over him ^X.

**Interdict
of the
kingdom.**

THE sentence of interdict was at that time the great instrument of vengeance and policy employed by the court of Rome; was pronounced against sovereigns for the lightest offences; and made the guilt of one person involve the ruin of millions, even in their spiritual and eternal welfare. The execution of it was artificially calculated to strike the senses in the highest degree, and to operate with irresistible force on the superstitious minds of the people. The nation was of a sudden deprived of all exterior exercise of its religion: The altars were despoiled of their ornaments: The crosses, the reliques, the images, the statues of the saints were laid on the ground; and as if the air itself were profaned, and might pollute them by its contact, the priests carefully covered them up, even from their own approach and veneration. The use of bells entirely ceased in all the churches: The bells themselves were removed from the steeples, and laid on the ground with the other sacred utensils. Mass was celebrated with shut doors; and none but the priests were admitted to that holy institution. The laity partook of no religious rite, except baptism to new-born infants, and the communion to the dying: The dead were not interred in consecrated ground: They were thrown into ditches, or buried in common fields; and their obsequies were not attended with prayers or any hallowed ceremony. Marriage was celebrated in the church-yards ^Y; and that every action in life might bear the marks of this dreadful situation, the people

^U Ibid. ^X M. Paris, p. 157. Trivet, p. 152. Ann. Waverl. p. 170. M. West, p. 268. ^Y Chron. Dunst. vol. i. p. 51.

people were prohibited the use of meat, as in Lent, or CHAP. XI.
times of the highest penance; were debarred from all pleasures and entertainments; and were forbid even to salute each other, or so much as to shave their beards, and give any decent attention to their person and apparel. Every circumstance carried the symptoms of the deepest distress, and of the most immediate apprehension of divine vengeance and indignation. 1207.

THE king, that he might oppose *his* temporal to *their* spiritual terrors, immediately, from his own authority, confiscated the estates of all the clergy who obeyed the interdict²; banished the prelates, confined the monks to their convent, and gave them only such small allowance from their own estates, as would suffice to provide them in food and rayment. He treated with the utmost rigour all Langton's adherents, and every one that shewed any disposition to obey the commands of Rome: And in order to distress the clergy in the tenderest point, and at the same time to expose them to reproach and ridicule, he threw into prison all their concubines, and required high fines and confiscations as the price of their liberty^A.

AFTER the canons, which established the celibacy of the clergy, were, by the zealous endeavours of archbishop Anselm, more rigorously executed in England, the ecclesiastics gave, almost universally and avowedly, into the use of concubinage; and the court of Rome, which had no interest in prohibiting this practice, made a very slight opposition to it. The custom was become so prevalent, that in some cantons of Swisserland, before the reformation, the laws not only permitted, but, to avoid scandal, enjoined the use of concubines to the younger clergy^B; and it was usual every where for priests to apply to the ordinary, and obtain from him a formal liberty for this indulgence. The bishop commonly took care to prevent this practice from degenerating into licentiousness: He confined the priest to the use of one woman, required him to be constant to her bed, obliged him to provide for her subsistence and that of her children; and though the offspring was, in the eye of the law, deemed illegitimate, this commerce was really a kind of inferior marriage, such as is still practised in Germany among the nobles, and may be

² Ann. Waverl. p. 170. ^A M. Paris, p. 158. Ann. Waverl. p. 170. ^B Padre Paolo, Hist. Conc. Trid. lib. 1.

CHAP. be regarded by the candid as an appeal, from the tyranny
 XI. of civil and ecclesiastical institutions, to the more virtuous
 and more unerring laws of nature.

1207.

The quarrel between the king and see of Rome continued for some years; and though many of the clergy, from the fear of punishment, obeyed the orders of John, and celebrated divine service, they complied with the utmost reluctance, and were regarded, both by themselves and the people, as men who betrayed their principles, and sacrificed their conscience to temporal regards and interests. During this violent situation, the king, in order to give a lustre to his government, attempted military expeditions against Scotland, against Ireland, against the Welsh^c; and he commonly prevailed, more from the weakness of his enemies than from his own vigour or abilities. Meanwhile, the danger to which his government stood continually exposed from the discontents of the ecclesiastics, increased his natural propension to tyranny; and he seems even wantonly to have disgusted all orders of men, especially his nobles, from whom alone he could reasonably expect support and assistance. He dishonoured their families by his licentious amours; he published edicts, prohibiting them from hunting feathered game, and thereby restrained them from their favourite occupation and amusement^d; he ordered all the hedges and fences near his forests to be levelled, that his deer might have more ready access into the fields for pasture; and he continually load-

1208. ed the nation with arbitrary taxes and impositions. Conscious of the general hatred which he had incurred, he required his nobility to give him hostages for security of their allegiance; and they were obliged to put into his hands their sons, or nephews, or near relations. When his messengers came with like orders to the castle of William de Braouse, a baron of great note, the lady of that nobleman replied, that she would never entrust her son into the hands of one who had murdered his own nephew, while in his custody. Her husband reproved her for the severity of this speech; but, sensible of his danger, he immediately fled with his wife and son into Ireland, where he endeavoured to conceal himself. The king discovered the unhappy family in their retreat; seized the wife and son,

^c W. Heming. p. 556. Ypod. Neust. p. 460. Knyghton, p. 2420. ^d M. West. p. 268.

son, whom he starved to death in prison; and the baron C H A P. himself narrowly escaped, by flying into France^E. XI.

THE church of Rome had artificially contrived a gradation of sentences; by which she kept offenders in awe; still afforded them an opportunity of preventing the next anathema by submission; and in case of their obstinacy, was able to refresh the horror of the people against them, by new denunciations of the wrath and vengeance of heaven. As the sentence of interdict had not operated the desired effect on John, and as his people, though extremely discontented, had hitherto been restrained from rising into open rebellion against him, he was soon to look for the sentence of excommunication: And he had reason to apprehend, that, notwithstanding all his precautions, the most dangerous consequences might ensue from it. He was witness of the other scenes, which, at that very time, were acting in Europe, and which displayed the unbounded and uncontrouled power of the papacy. Innocent, far from being dismayed at his contests with the king of England, had excommunicated the emperor Otho, John's nephew^F; and soon brought that powerful and haughty prince to submit to his authority. He published a crusade against the Albigenes, a species of enthusiasts in the south of France, whom he denominated heretics, because, like other enthusiasts, they neglected the rites of the church, and opposed the power and influence of the clergy: The people from all parts of Europe, moved by their superstition and their passion for wars and adventures, flocked to his standard: Simon de Montfort, the general of the crusade, acquired to himself a sovereignty in these provinces: The count de Tholouse, who protected the Albigenes, was despoiled of his dominions: And these sectaries themselves, though the most innocent and inoffensive of mankind, were exterminated with all the circumstances of the most extreme violence and barbarity. Here were therefore both an army and a general, dangerous from their zeal and valour, who might be directed to act against John; and Innocent, after keep-
ing

^E M. Paris, p. 158, 161. Chron. Dunst. vol. i. p. 52. Ann. Waverl. p. 172. Ann. Marg. p. 15. M. West. p. 268, 269.

^F M. Paris, p. 160. Trivet, p. 154. M. West. p. 269.

CHAP.
XI.

1209.
Excom-
municati-
on of the
king.

ing the thunder long suspended, gave at last authority to the bishops of London, Ely, and Worcester, to denounce the sentence of excommunication against him^G. These prelates obeyed; though their brethren were deterred from publishing, as the pope required of them, the sentence in the several churches of their dioceses.

No sooner was the excommunication known, than the effects of it appeared. Geoffrey, archdeacon of Norwich, who was entrusted with a considerable office in the court of Exchequer, being informed of it while sitting on the bench, observed to his brethren the danger of serving under an excommunicated king; and he immediately left his chair, and departed the court. John gave orders to seize him, to throw him into prison, to cover his head with a great leaden cope; and by this and other severe usage, he soon put an end to his life^H: Nor was there any thing wanting to Geoffrey, except the dignity and rank of Becket, to exalt him to an equal station in heaven with that great and celebrated martyr. Hugh de Wells, the king's chancellor, being elected, by his appointment, bishop of Lincoln, upon a vacancy in that see, desired leave to go abroad, in order to receive consecration from the archbishop of Rouen; but he no sooner reached France, than he hastened to Pontigny, where Langton then resided, and paid submissions to him as his primate. The bishops, finding themselves exposed equally to the jealousy of the king and hatred of the people, gradually stole out of the kingdom; and at last there remained only three prelates to perform the functions of the episcopal office^I. Many of the nobility, terrified with John's tyranny, and obnoxious to him on different accounts, imitated the example of the bishops; and most of the others, who remained, were with reason suspected of having secretly entered into a confederacy against him^K. John was alarmed at his dangerous situation; a situation, which prudence, vigour, and popularity, might formerly have prevented, but which no virtues nor abilities were now sufficient to remedy. He desired a conference with Langton at Dover; offered to acknowledge him as primate, to submit to the pope, to restore the exiled clergy, even to pay them a limited

^G M. Paris, p. 159. M. West. p. 270. ^H M. Paris, p. 159. ^I Ann. Waverl. p. 170. Ann. Marg. p. 14.
^K M. Paris, p. 162. M. West. p. 270, 271.

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a limited sum as a compensation for the rents of their confiscated estates. But Langton, perceiving his advantage, was not satisfied with these concessions: He demanded, that full restitution and reparation should be made to all the clergy; a condition so exorbitant, that the king, who probably had not the power of fulfilling it, and who foresaw that this estimation of damages might amount to an immense sum, finally broke off the conference^L.

1212.

THE next gradation of papal sentences was to absolve John's subjects from their oaths of fidelity and allegiance, and to declare every one excommunicated who had any commerce with him, in public or in private; at his table, in his council, or even in private conversation^M: And this sentence was accordingly, with all imaginable solemnity, denounced against him. But as John still persevered in his contumacy, there remained nothing but the sentence of deposition; which, though intimately connected with the former, had been distinguished from it by the artifice of the Romish church; and Innocent determined to dart this last thunder-bolt against the refractory monarch. But as a sentence of this kind required an armed force to execute it, the pontiff, casting his eyes around, pitched at last on Philip, king of France, as the person, into whose powerful hand he could most properly entrust that weapon, the ultimate resource of his ghostly authority. And he proffered that monarch, besides the remission of all his sins and endless spiritual benefits, the property and possession of the kingdom of England, as the reward of his labour^N.

1213.

It was the common concern of all princes to oppose these exorbitant pretensions of the Roman pontiff, by which they themselves were rendered vassals, and vassals totally dependent, of the papal crown: Yet even Philip, the most able monarch of the age, was seduced, by present interest, and by the prospect of so tempting a prize, to accept this liberal offer of the pontiff, and thereby to ratify that authority, which, if he ever opposed its boundless usurpations, might, next day, tumble him from the throne. He levied a great army; summoned all the vassals of his crown to attend him at Rouen; collected a fleet of 1700 vessels, great and small, in the sea-ports of Normandy and Picardy; and partly from the zeal of the age, partly

^L Ann. Waverl. p. 171. ^M M. Paris, p. 161. M. West. p. 270. ^N M. Paris, p. 162. M. West. p. 271.

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partly from the personal regard, universally paid him, prepared a force, which seemed equal to the greatness of his enterprize. The king, on the other hand, issued out writs, requiring the attendance of all his military vassals at Dover, and even of all able-bodied men, to defend the kingdom in this dangerous extremity. An infinite number appeared; of whom he selected an army of 60,000 men; a power invincible, had they been united in affections to their prince, and animated with a becoming zeal for the defence of their native country^o. But the people were swayed by superstition, and regarded their king with horror, as anathematized by papal censures: The barons, besides lying under the same prejudices, were all disgusted with his tyranny, and were, many of them, suspected of holding a secret correspondence with the enemy: And the incapacity and cowardice of the king himself, ill fitted to contend with those mighty difficulties, made men prognosticate the most fatal effects from the French invasion.

PANDOLF, whom the pope had chosen for his legate, and appointed to head this important expedition, had, before he left Rome, applied for a secret conference with his master, and had asked him, whether if the king of England, in this desperate situation, were willing to submit to the apostolic see, he should grant him any terms of accommodation^p? Innocent, expecting from his agreement with a prince so abject both in character and fortune, more advantages than from his alliance with a great and victorious monarch, who, after such mighty acquisitions, might become too haughty to be bound by spiritual chains, explained to Pandolf the conditions on which he was willing to be reconciled to the king of England. The legate, therefore, as soon as he arrived in the north of France, sent over two knights templars to desire an interview with John at Dover, which was readily granted; and he there represented to him, in such strong, and probably in such true colours, his lost condition, the disaffection of his subjects, the secret combination of his vassals against him, the mighty armament of France, that John yielded at discretion^q, and subscribed to all the conditions which Pandolf was pleased to impose upon him. He promised, among other articles, that he would submit himself

13th May.
The
king's
submission
to the
pope.

^o M. Paris, p. 163. M. West. p. 271.
^q M. West. p. 271.

^p M. Paris,

himself entirely to the judgment of the pope; that he would acknowledge Langton for primate; that he would restore all the exiled clergy and laity who had been banished on account of the contest; that he would make them full restitution of their goods, and compensation for all damages, and instantly consign eight thousand pounds, in part of payment; and that every one outlawed or imprisoned for their adherence to the pope, should immediately be received into grace and favour^R. Four barons, swore, along with the king, to the observance of this ignominious treaty^S.

BUT the ignominy of the king was not yet carried to its full height. Pandolf required him, as the first specimen of his deference to the pope's orders, to resign his kingdom to the church, and he persuaded him, that he could no wise so effectually disappoint the French invasion, as by thus putting himself under the immediate protection of the apostolic see. John, lying under the agonies of present terror, made no scruple of submitting to this condition. He passed a charter, in which he said, that, not constrained by fear, but of his own free-will, and by the common advice and consent of his barons, he had, for remission of his own sins and those of his family, resigned England and Ireland to God, to St. Peter and St. Paul, and to pope Innocent and his successors in the apostolic chair: He agreed to hold these dominions as feudatory of the church of Rome, by the annual payment of a thousand marks; seven hundred for England, three hundred for Ireland: And he stipulated, that if he or his successors should ever presume to revoke or infringe this charter, they should instantly, except upon admonition they repented them of their offence, forfeit all right to their dominions^T.

IN consequence of this agreement, John did homage to Pandolf as the pope's legate, with all the humiliating rites which the feudal law required of vassals before their liege-lord and superior. He came disarmed into the legate's presence, who was seated on a throne; he flung himself on his knees before him; he lifted up his joined hands, and put them within those of Pandolf; he swore fealty

^R Rymer, vol. i. p. 166. M. Paris, p. 163. Annal. Burt. p. 268. ^S Rymer, vol. i. p. 170. M. Paris, p. 163.

^T Rymer, vol. i. p. 176. M. Paris, p. 165. Trivet, p. 158. Ann. Waverl. p. 177; W. Heming. p. 554. M. West. p. 271, 272. Ann. Burt. p. 263.

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fealty to the pope; and he paid part of the tribute, which he owed for his kingdom as the patrimony of St. Peter. The legate, elated by this supreme triumph of sacerdotal power, could not forbear discovering extravagant symptoms of joy and exultation: He trampled on the money, which was laid at his feet as an earnest of the subjection of the kingdom: An insolence, of which, however offensive to all the English, no one present, except the archbishop of Dublin, dared to take any notice. But though Pandolf had brought the king to submit to these base conditions, he still refused to free him from the excommunication and interdict, till an estimation should be taken of the losses of the ecclesiastics, and full compensation and restitution should be made them.

JOHN, reduced to this abject situation under a foreign power, still shewed the same disposition to tyrannize over his subjects, which had been the chief cause of all his misfortunes. One Peter of Pomfret, a hermit, had foretold, that the king, this very year, should lose his crown; and for that rash prophecy, he had been thrown into prison in Corfe-castle. John now determined to bring him to punishment as an impostor; and though the man pleaded, that his prophecy was fulfilled, and that the king had lost the royal and independent crown which he formerly wore, the defence was supposed to augment his guilt: He was dragged at horses tails to the town of Warham, and there hanged on a gibbet with his son ^U.

WHEN Pandolph, after receiving the homage of John, returned to France; he congratulated Philip on the success of his pious enterprize; and informed him, that John, moved by the terror of the French arms, had now come to a just sense of his guilt; had returned to obedience under the apostolic see; had even consented to do homage to the pope for his dominions; and having thus made his kingdom a part of St. Peter's patrimony, had rendered it impossible for any Christian prince, without the most manifest and most flagrant impiety, to attack him ^X. Philip was in a rage on receiving this intelligence: He exclaimed, that having, at the pope's instigation, undertaken

^U M. Paris, p. 165. Chron. Dunst. vol. i. p. 56. Chron. Majr. p. 186, 187. T. Wykes, p. 37. Ann. Waverl. p. 179. M. West. p. 270, 272. Knyghton, p. 2324.
^X Trivet, p. 160.

dertaken an expedition, which had cost him above 60,000 pounds sterling, he was frustrated of his purpose, at the time when its success was become infallible: He complained, that all the expence had fallen upon him; all the advantages had accrued to Innocent: He threatened to be no longer the dupe of these hypocritical pretences: And assembling his vassals, he laid before them the ill treatment which he had received, exposed the interested and fraudulent conduct of the pope, and required their assistance to execute his enterprize against England, in which, he told them, that, notwithstanding the inhibitions and menaces of the legate, he was determined to persevere. The French barons were in that age little less ignorant and superstitious than the English: Yet, so much does the influence of these religious principles depend on the present disposition of mens minds, they all vowed to follow their prince on his intended expedition, and were resolute not to be disappointed of that glory and those riches, which they had long expected from this enterprize. The earl of Flanders alone, who had previously formed a secret treaty with John, declaring against the injustice and impiety of the undertaking, retired with his forces^y; and Philip, that he might not leave so dangerous an enemy behind him, first turned his arms against the dominions of that prince. Meanwhile, the English fleet was assembled under the earl of Salisbury, the king's natural brother; and though inferior in number, received orders to attack the French in their harbours. Salisbury performed this service with so much success, that he took three hundred ships; destroyed a hundred more^z: And Philip, finding it impossible to prevent the rest from falling into the hands of the enemy, set fire to them himself, and thereby rendered it impossible for him to proceed any farther in his enterprize.

JOHN, exulting in his present security, insensible to his past disgrace, was so elated with this success, that he thought of no less than invading France in his turn, and recovering all those provinces which the prosperous arms of Philip had formerly ravished from him. He proposed this expedition to the barons, who were already assembled for the defence of the kingdom. But the English barons both

^y M. Paris, p. 166.

^z M. Paris, p. 166. Chron. Dant. vol. i. p. 59. Trivet, p. 157.

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both hated and despised their prince: They prognosticated no success to any enterprize conducted by such a leader: And, pretending that their time of service was elapsed, and all their provisions exhausted, they refused to second his undertaking^A. The king, however, resolute in his purpose, embarked with a few followers, and sailed to Jersey, in the foolish notion, that the barons would at last be ashamed to stay behind^B. But finding himself disappointed, he returned to England; and raising some troops, threatened to take vengeance on all his nobles for their desertion and disobedience. The archbishop of Canterbury, who was in a confederacy with the barons, here interposed; strictly inhibited the king from thinking of such an attempt; and threatened him with a renewal of the sentence of excommunication, if he pretended to levy war upon any of his subjects, before the kingdom was freed from the sentence of interdict^C.

THE church had dissolved the several anathemas pronounced against John, by the same gradual progress with which she had at first issued them. By receiving his homage, and admitting him to the rank of vassal, his deposition was annulled, and his subjects were again bound by their oaths of allegiance. The exiled prelates then returned in great triumph, with Langton at their head; and the king, hearing of their approach, went forth to meet them, and throwing himself on the ground before them, he entreated them with tears to have compassion on him and the kingdom of England^D. The primate, seeing these marks of sincere penitence, led him to the chapter-house of Winchester, and there administered an oath to him, by which he again swore fealty and obedience to pope Innocent and his successors; promised to love, maintain, and defend holy church and the clergy; engaged that he would re-establish the good laws of his ancestors, particularly those of St. Edward, and would abolish the wicked ones; and expressed his resolution of maintaining justice and right in all his dominions^E. The primate next gave him absolution in the requisite forms, and admitted him to dine with him, to the great joy of all the people. The sentence, however, of interdict was still upheld against

^A M. Paris, p. 166. ^B Ibid. ^C M. Paris, p. 167.
^D M. Paris, p. 166. Ann. Waverl. p. 178. ^E M. Paris, p. 166.

against the kingdom. A new legate, Nicholas, bishop of Freſcati, came into England, in the place of Pandolf; and he declared it to be the pope's intentions never to loosen that sentence till full restitution was made to the clergy of every thing taken from them, and ample reparation for all damages which they had sustained^F. He only permitted maſs to be ſaid with a low voice in the churches, till theſe loſſes and damages could be eſtimated to the ſatisfaction of the parties. Certain barons were appointed to take an account of the claims^G; and John was aſtoniſhed at the greatneſs of the ſums, to which the clergy made their loſſes to amount. No leſs than twenty thouſand marks were demanded by the monks of Canterbury alone; twenty-three thouſand for the ſee of Lincoln^H; and the king, finding theſe pretenſions to be infinite and endleſs, proffered the clergy the ſum of an hundred thouſand marks for a final acquittal. The clergy rejected the offer with diſdain; but the pope, willing to favour his new vaſſal, whom he found zealous in his declarations of fealty, and regular in paying the ſtipulated tribute to Rome, directed his legate to accept of forty thouſand^I. The iſſue of the whole was, that the biſhops and conſiderable abbots got reparation beyond what they had any title to demand: The inferior clergy were obliged to ſit down contented with their loſſes^K: And the king, after the interdict was taken off, renewed, in the moſt ſolemn manner, and by a new charter, ſealed with gold, his profeſſions of homage and obedience to the ſee of Rome^L.

WHEN this vexatious affair was at laſt brought to a concluſion, the king, as if he had nothing farther to attend to but triumphs and victories, went over to Poictou, which ſtill acknowledged his authority^M; and he carried war into Philip's dominions. He beſieged a caſtle near Angiers; but the approach of prince Lewis, Philip's ſon, obliged him to raiſe the ſiege with ſuch precipitation, that he left his tents, machines, and baggage behind him; and he returned to England with diſgrace. About the ſame time, he heard of the great and deciſive victory gained

^F Trivet, p. 160. Ann. Waverl. p. 178. ^G Brady's Append. No. 103, 104. ^H Chron. Dunſt. vol. i. p. 64.

^I M. Paris, p. 173. Chron. Dunſt. vol. i. p. 62. ^K Ann. Waverl. p. 179. ^L M. Paris, p. 172.

^M Queen Eleanor died in 1203 or 1204.

CHAP. gained by the king of France at Bovines over the emperor
XL Otho, who had entered France at the head of 150,000
 1214. Germans; a victory which established for ever the glory
 of Philip, and gave full security to all his dominions. John
 could therefore think henceforth of nothing farther, than
 of ruling peaceably his own kingdom; and his close con-
 junction with the pope, which he was determined at any
 price to maintain, ensured him, as he imagined, the cer-
 tain attainment of that object. But the last and most
 grievous scene of this prince's misfortunes still awaited
 him; and he was destined to pass through a series of more
 humiliating circumstances than had ever yet fallen to the
 lot of any other monarch.

Discon- **THE** introduction of the feudal law into England by
tents of William the Conqueror had much infringed the liberties,
the barons. however imperfect, enjoyed by the Anglo-Saxons in their
 antient government, and had reduced the whole people to
 a state of vassalage under the king or barons, and even the
 greatest part of them to a real state of slavery. The ne-
 cessity also of devolving great power into the hands of a
 prince, who was to maintain a military dominion over a
 vanquished nation, had engaged the Norman barons to
 submit to a more rigorous and absolute authority, than
 that to which men of their rank, in other feudal govern-
 ments, were commonly subjected. The prerogatives of
 the crown, once raised to a high pitch, were not easily re-
 duced; and the nation during the course of a hundred and
 fifty years, had groaned under a tyranny, unknown to
 all the kingdoms founded by the northern conquerors.
 Henry I. that he might allure the people to give an ex-
 clusion to his elder brother Robert, had granted them a
 charter, favourable in many particulars to their liberties;
 Stephen had renewed this grant; Henry II. had confirm-
 ed it: But the concessions of all these princes had still
 remained without effect; and the same unlimited, at least
 irregular authority, continued to be exercised both by them
 and their successors. The only happiness was, that arms
 were never yet ravished from the hands of the barons and
 people: The nation, by a great confederacy, might still
 vindicate its liberties: And nothing was more likely, than
 the character, conduct, and fortunes of the present sove-
 reign, to produce such a general union and combination
 against him. Equally odious and contemptible, both in
 public and private life, he affronted the barons by his in-
 solence,

solence, dishonoured their families by his gallantries, enraged them by his tyranny, and gave discontent to all ranks of men by his endless exactions and impositions^N. The effect of these lawless practices had already appeared in the general demand made by the barons of a restoration of their privileges; and after he had reconciled himself to the pope, by abandoning the independence of the kingdom, he appeared to all the world in so mean a light, that they universally thought they might with safety and honour insist upon their pretensions.

BUT nothing forwarded this confederacy so much as the concurrence of Langton, archbishop of Canterbury; a man, whose memory, though he was obtruded on the nation by a palpable incroachment of the see of Rome, ought always to be respected by the English. This prelate, whether he was moved by the generosity of his nature and his affection to public good; or had entertained an animosity against John, on account of the long opposition made by that prince to his election; or thought, that an acquisition of liberty to the people would serve to increase and secure the privileges of the church; had formed the plan of reforming the government, and had prepared the way for that great innovation, by inserting those singular clauses above-mentioned in the oath, which he administered to the king, before he would absolve him from the sentence of excommunication. Soon after, in a private meeting of some principal barons at London, he shewed them a copy of Henry I.'s charter, which, he said, he had happily found in a monastery; and he exhorted them to insist on the renewal and observance of it: The barons swore, that they would sooner lose their lives than depart from so reasonable a demand^O. The confederacy began now to spread wider, and to comprehend almost all the barons of England; and a new and more numerous meeting was summoned by Langton at St. Edmondsbury, under colour of devotion. He again produced the old charter of Henry; renewed his exhortations of unanimity and vigour in the prosecution of their purpose; and represented in the strongest colours the tyranny to which they had so long been subjected, and from which it now behoved them to free themselves and

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their

^N Chron. Majr. p. 188. T. Wykes, p. 36. Ann. Waverl. p. 181. W. Heming. p. 557. ^O M. Paris, p. 167.

CHAP. XI. their posterity^P. The barons, inflamed by his eloquence incited by the sense of their wrongs, and encouraged by the appearance of their power and numbers, solemnly took an oath before the high altar, to adhere to each other, to insist on their demands, and to make endless war on the king, till he should submit to grant them^Q. They agreed, that, after the festival of Christmas, they would prefer in a body their common petition; and in the mean time, they separated, after mutually promising, that they would put themselves in a posture of defence, would enlist men and purchase arms, and would supply their castles with the necessary provisions.

1215. **6th Jan.** THE barons appeared in London on the day appointed; and demanded of the king, that, in consequence of his own oath before the primate, as well as in deference to their just rights, he would grant them a renewal of Henry's charter, and a confirmation of the laws of St. Edward. The king, alarmed with their zeal and unanimity, as well as with their power, required a delay; promised, that at the festival of Easter, he would give them a positive answer to their petition; and offered them the archbishop of Canterbury, the bishop of Ely, and the earl of Pembroke, the Mareschal, as sureties for his fulfilling this engagement^T. The barons accepted of the terms, and peaceably returned to their castles.

15th Jan. DURING this interval, John, in order to break or subdue the league of his barons, endeavoured to avail himself of the ecclesiastical power, of whose influence he had, from his own recent misfortunes, had such fatal experience. He granted to the clergy a charter, abandoning for ever that important prerogative, for which his father and all his ancestors had zealously contended; yielding to them the free election on all vacancies; reserving only the power to issue a *congé d'elire*, and to subjoin a confirmation of the election; and declaring, that, if either of these were withheld, the choice should nevertheless be deemed just and valid^S. He made a vow to lead an army into Palestine against the infidels; and he took on him the cross; in hopes, that he should receive from the church that protection, which she tendered to every one that had entered

^P M. Paris, p. 175. ^Q M. Paris, p. 176. ^R M. Paris, p. 176. ^S Rymer, vol. i. p. 197.

entered into this sacred and meritorious engagement^T. And he sent to Rome his agent, William de Mauclerc, in order to appeal to the pope against the tyranny of his barons, and procure him a favourable sentence from that powerful tribunal^U. The barons also were not negligent on their part in endeavouring to engage the pope in their interests: They dispatched Eustace de Vescie to Rome; laid their case before Innocent as their feudal lord; and petitioned him to interpose his authority with the king, and oblige him to restore and confirm all their just and undoubted privileges^X.

INNOCENT beheld with regret the disturbances which had arisen in England, and was much inclined to favour John in his pretensions. He had no other hopes of retaining and extending his newly acquired superiority over that kingdom, but by supporting so base and degenerate a prince, who was willing to sacrifice every consideration to his present safety; and he foresaw, that, if the administration fell into the hands of these gallant and high-spirited barons, they would vindicate the honour, liberty, and independence of the nation, with the same ardour which they now exerted in defence of their own. He wrote letters therefore to the prelates, to the nobility, and to the king himself. He exhorted the first to employ their good offices in conciliating peace between the contending parties, and putting an end to civil discord: To the second, he expressed his disapprobation of their conduct in employing force to extort concessions from their reluctant sovereign: The last, he advised to treat his nobles with grace and indulgence, and to grant them such of their demands as should appear just and reasonable^Y.

THE barons easily saw, from the tenor of these letters, that they must expect to have the pope, as well as the king, for their adversary; but they had already advanced too far to recede from their pretensions, and their passions were so deeply engaged, that it exceeded even the power of superstition itself any longer to controul them. They also foresaw, that the thunders of Rome, when not seconded by the efforts of the English ecclesiastics, would be of small avail against them; and they perceived, that

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^T Rymer, vol. i. p. 200. Trivet, p. 162. T. Wykes, p. 37. M. West, p. 273. ^U Rymer, vol. i. p. 184.
^X Ibid. ^Y Rymer, vol. i. p. 196, 197.

C H A P. the most considerable of the prelates, as well as all the inferior clergy, professed the highest approbation of their cause. Besides, that these men were seized with the national passion for laws and liberty; blessings, of which they themselves expected to partake; there concurred very powerful causes to loosen their devoted attachment to the apostolic see. It appeared from all the late usurpations of the Roman pontiff, that he pretended to reap alone all the advantages accruing from that victory, which under his banners, though at their own hazard, they had every where obtained over the civil magistrate. The pope assumed a despotic power over all the churches: Their particular customs, privileges, and immunities, were treated with disdain: Even the canons of general councils were set aside by his dispensing power: The whole administration of the church was centered in the court of Rome: All preferments ran of course in the same channel: And the provincial clergy saw, at least felt, that there was a necessity of limiting these exorbitant pretensions. The legate, Nicholas, in filling those numerous vacancies which had fallen in England during an interdict of six years, had proceeded in the most arbitrary manner; and had paid no regard, in conferring dignities, to personal merit, to rank, to the inclination of the electors, or to the customs of the country. The English church was universally disgusted; and Langton himself, though he owed his elevation to an incroachment of the Romish see, was no sooner established in his high office, than he became jealous of the privileges annexed to it, and formed attachments with the country subjected to his jurisdiction. These causes, though they opened slowly the eyes of men, failed not to produce their effect: They set bounds to the usurpations of the papacy: The tide first stopped, and then turned against the sovereign pontiff: And it is otherwise inconceivable, how that age, so prone to superstition, and so sunk in ignorance, or rather so devoted to a spurious erudition, could have escaped falling into an absolute and total slavery under the court of Rome.

Infurrection of the barons.

ABOUT the time that the pope's letters arrived in England, the malcontent barons, on the approach of the festival of Easter, when they were to expect the king's answer to their petitions, met by agreement at Stamford; and they assembled a force, consisting of above 2000 knights, besides their retainers and inferior persons without

out number. Elated with their power, they advanced in a body to Brackley, within fifteen miles of Oxford, the place where the court then resided; and they there received a message from the king, by the archbishop of Canterbury and the earl of Pembroke, desiring to know what those liberties were which they so zealously challenged from their sovereign. They delivered to these messengers a schedule, containing the chief articles of their demands; which was no sooner shewn to the king, than he burst into a furious passion, and asked why the barons did not also demand of him his kingdom? swearing, that he would never grant them such liberties as must reduce himself to slavery^z.

CHAP.
XI.
1215.
27th April.

No sooner were the confederated nobles informed of John's reply, than they chose Robert Fitz-Walter their general, whom they called *the Mareſchal of the army of God and of holy church*; and they proceeded without farther ceremony to make war upon the king. They besieged the castle of Northampton during fifteen days, though without success^A: The gates of Bedford castle were willingly opened to them by William Beauchamp its owner: They advanced to Ware in their way to London, where they held a correspondence with the principal citizens: They were received without opposition into that capital: And finding now the great superiority of their force, they issued proclamations, requiring the other barons to join them, and menacing them, in case of refusal or delay, with committing devastations on their houses and estates^B. In order to shew them what they might expect from their prosperous arms, they made incursions from London, and laid waste the king's parks and palaces; and all the barons, who had hitherto carried the semblance of supporting the royal party, were glad of this pretence to join openly a cause, which they always had secretly favoured. The king was left at Odiham in Surrey with a poor retinue of only seven knights; and after trying several expedients to elude the blow, after offering to refer all differences to the pope alone, or to eight barons, four to be chosen by himself, and four by the confederates^C, he found himself at last obliged to submit at discretion.

A CON-

^z M. Paris, p. 176. ^A M. Paris, p. 177. Chron. Dunst.
vol. i. p. 71. ^B M. Paris, p. 177. ^C Rymer, vol. i.
p. 200.

CHAP.

XI.

1215.

Magna

Charta,

15th June.

19th June.

A CONFERENCE between the king and the barons was appointed at Runnemed, between Windfor and Staines; a place which has ever since been extremely celebrated, on account of this great event. The two parties encamped apart, like open enemies; and after a debate of a few days, the king with a facility somewhat suspicious, signed and sealed the charter which was required of him. This famous deed, commonly called the GREAT CHARTER, either granted or secured very important liberties and privileges to every order of men in the kingdom; to the clergy, to the barons, and to the people.

THE freedom of elections was secured to the clergy: The former charter of the king was confirmed, by which the necessity of a royal *congé d'elire* and confirmation was superseded: All check upon appeals to Rome was removed, by the allowance granted every man to depart the kingdom at pleasure: And the fines upon the clergy, for any offence, were ordained to be proportional to their lay estates, not to their ecclesiastical benefices.

THE privileges granted to the barons were either abatements in the rigours of the feudal law, or determinations in points which had been left by that law, or had become by practice, arbitrary and ambiguous. The reliefs of heirs succeeding to a military fee were ascertained; an earl's and baron's at an hundred marks, a knight's at an hundred shillings. It was ordained by the charter, that, if the heir be a minor, he shall, immediately upon his majority, enter upon his estate, without paying any relief: The king shall not sell his wardship: He shall levy only reasonable profits upon the estate, without committing waste or hurting the property: He shall uphold the castles, houses, mills, parks and ponds: And if he commit the guardianship of the estate to the sheriff or any other, he shall previously oblige them to find surety to the same purpose. During the minority of a baron, while his lands are in wardship, and are not in his own possession, no debt which he owes to the Jews shall bear any interest. Heirs shall be married without disparagement; and before the marriage be contracted, the nearest relations of the persons shall be informed of it. A widow, without paying any relief, shall enter upon her dower, the third part of her husband's rents: She shall not be compelled to marry, so long as she chuses to continue single; she shall only give security never to marry without her lord's consent.

sent. The king shall not claim the wardship of any minor, who holds lands by military tenure of a baron, on pretence that he also holds lands of the crown, by soccage or any other tenure. Scutages shall be estimated at the same rate as in the time of Henry I. and no scutage or aid, except in the three general feudal cases, the king's captivity, the knighting his eldest son, and the marrying his eldest daughter, shall be imposed but by the great council of the kingdom; the prelates, earls and great barons, shall be called to this great council, each by a particular writ; the lesser barons by a general summons of the sheriff. The king shall not seize any baron's lands for a debt to the crown, if the baron possesses as many goods and chattels as are sufficient to discharge the debt. No man shall be obliged to perform more service for his fee than he is bound to by his tenure. No governor or constable of a castle shall oblige any knight to give money for castle-guard, if he is willing to perform the service in person, or by another able-bodied man; and if the knight be in the field himself, by the king's command, he shall be exempt from all other service of this nature. No vassal shall be allowed to sell so much of his land as to incapacitate himself from performing his service to his lord.

THESE were the principal articles, which were calculated for the interests of the barons; and had the charter contained nothing farther, national happiness and liberty had been very little promoted by it, as it would only have tended to encrease the power and independence of an order of men, who were already too powerful, and whose yoke might have become more heavy on the people than even that of an absolute monarch. But the barons, who alone drew and imposed on the prince this memorable charter, were necessitated to insert in it other clauses of a more extensive and more beneficial nature: They could not expect the concurrence of the people, without comprehending, together with their own, the interests of inferior ranks of men; and all provisions, which the barons, for their own sakes, were obliged to make, in order to ensure the free and equitable administration of justice, tended directly to the benefit of the whole community. The following were the principal clauses of this nature.

IT was ordained, that all the privileges and immunities above-mentioned, granted to the barons against the king, should be extended by the barons to their inferior vassals.

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CHAP. The king bound himself not to grant any writ, empowering a baron to levy aids from his vassals, except in the three feudal cases. One weight and one measure shall be established throughout the whole kingdom. Merchants shall be allowed to transact all business, without being exposed to any arbitrary tolls and impositions: They and all freemen shall be allowed to go out of the kingdom and return to it at pleasure. London, and all cities and burghs, shall preserve their antient liberties, immunities and free customs: Aids shall not be required of them but by the consent of the great council. No towns nor individuals shall be obliged to make or support bridges but by antient custom. The goods of every freeman shall be disposed of according to his will: If he die intestate, his heirs shall succeed to them. No officer of the crown shall take any horses, carts, or wood, without the consent of the owner. The king's courts of justice shall be stationary, and shall no longer follow his person: They shall be open to every one; and justice shall no longer be bought, refused, or delayed by them. The sheriffs shall be incapacitated to hold pleas of the crown; and shall not put any person upon his trial, from rumour or suspicion alone, but upon the evidence of lawful witnesses. No freeman shall be taken or imprisoned, or dispossessed of his free tenement and liberties, or outlawed, or banished, or any wise hurt or injured, unless by the legal judgment of his peers, or by the law of the land; and all who suffered otherwise in this or the two former reigns, shall be restored to their rights and possessions. Every freeman shall be fined in proportion to his fault; and no fine shall be levied on him to his utter ruin: Even a villain or rustic shall not by any fine be bereaved of his carts, ploughs, and implements of husbandry. This was the only article calculated for the interests of this body of men, probably at that time the most numerous in the kingdom.

It must be confessed, that the former articles of the Great Charter contain such mitigations and explanations of the feudal law as are very reasonable and equitable; and that the latter involve all the chief outlines of a legal government, and provide for the equal distribution of justice, and free enjoyment of property; the great objects for which political society was at first founded by men, which

which the people have a perpetual and unalienable right to recal, and which no time, nor precedent, nor statute, nor positive institution, ought to deter them from keeping ever uppermost in their thoughts and attention. Though the provisions made by this charter might, conformable to the genius of the age, be esteemed too concise, and too bare of circumstances, to maintain the execution of its articles, in opposition to the chicanery of lawyers, supported by the violence of power; time gradually ascertained the sense of all the ambiguous expressions; and those generous barons, who first extorted this concession, still held their swords in their hands, and could turn them against those who dared, on any pretence, to depart from the original spirit and meaning of the grant. It is now easy, from the tenor of this charter, to determine what those laws were of king Edward, which the English nation, during so many generations, still desired, with such an obstinate perseverance, to have recalled and established. They were these latter articles of *Magna Charta*; and the barons, who, at the beginning of these commotions, required the revival of the Saxon laws, undoubtedly thought, that they had sufficiently satisfied the people by procuring them this concession, which comprehended the chief objects to which they had so long aspired. But what we are most to admire, is the prudence and moderation of these haughty nobles themselves, who were enraged by injuries, inflamed by opposition, and elated by a total victory over their sovereign. They were contented, even in this plenitude of power, to depart from some articles of Henry I.'s charter, which they made the foundation of their demands, particularly from the abolition of wardships, so important a point; and they seem to have been sufficiently careful not to diminish too far the power and revenue of the crown. If they appear, therefore, to have carried other demands to too great a height, it can be ascribed only to the faithless and tyrannical character of the king himself, of which they had long had experience, and which, they foresaw, would, if they provided no farther security, lead him soon to infringe their liberties, and recal his own concessions. This alone gave birth to those other articles, seemingly exorbitant, which were added as a rampart for the safeguard of the Great Charter.

THE barons obliged the king to agree, that London should remain in their hands, and the Tower be consigned to

CHAP. XI. to the custody of the primate, till the 15th of August next, or till the execution of the several articles of the great charter^F. The better to insure the same end, he allowed them to choose five-and-twenty members from their own body, as conservators of the public liberties; and no bounds were set to the authority of these men either in extent or duration. If any complaint was made of a violation of the charter, whether by the king, justiciaries, sheriffs, or foresters, any four of these barons might admonish the king to redress the grievance; and if satisfaction was not obtained, they could assemble the whole council of twenty-five; who, in conjunction with the great council, were empowered to compel him to observe the charter, and, in case of resistance, might levy war against him, attack his castles, and employ every kind of violence, except against his royal person, and that of his queen and children. All men, throughout the kingdom, were bound, under the penalty of confiscation, to swear obedience to the five-and-twenty barons; and the freeholders of each county were to choose twelve knights, who were to make report of such evil customs as required redress, conformably to the tenor of the Great Charter^G. The names of those conservators were the earls of Clare, Albemarle, Gloucester, Winchester, Hereford, Roger Bigod, earl of Norfolk, Robert de Vere, earl of Oxford, William Marechal the younger, Robert Fitz-Walter, Gilbert de Clare, Eustace de Vescey, Gilbert Delaval, William de Moubray, Geoffrey de Say, Roger de Mombazon, William de Huntingfield, Robert de Ros, the constable of Chester, William de Aubenie, Richard de Perci, William Malet, John Fitz-Robert, William de Lanvalay, Hugh de Bigod, and Roger de Mountfichet^H. These men were, by this convention, really invested with the sovereignty of the kingdom: They were rendered co-ordinate with the king, or rather superior to him, in the exercise of the executive power: And as there was no circumstance of government, which, either directly or indirectly,

^F Rymer, vol. i. p. 201. Chron. Dunst. vol. i. p. 73.

^G This seems a certain proof that the house of commons was not then in being; otherwise the knights and burghesses from these several counties could have given in to the lords a list of grievances, without any new election.

^H M. Paris, p. 181.

indirectly, might not bear a relation to the security or observance of the great charter; there could scarce occur any incident, in which they might not lawfully interpose their authority.

JOHN seemed to submit passively to all these regulations, however injurious to majesty: He sent writs to all the sheriffs, ordering them to constrain every one to swear obedience to the twenty-five barons¹: He dismissed all his foreign forces: He pretended, that his government was henceforth to run in a new tenor, and to be more indulgent to the liberty and independence of his people. But he only dissembled, till he should find a favourable opportunity of annulling all his concessions. The injuries and indignities, which he had heretofore suffered from the pope and the king of France, as they came from equals or superiors, seemed to make but small impression on him: But the sense of this perpetual and total subjection under his own rebellious vassals sunk deep in his mind, and he was determined, at all hazards, to throw off so ignominious a slavery^K. He grew sullen, silent, and reserved: He shunned the society of his courtiers and nobles: He retired into the Isle of Wight, as if desirous to hide his shame and confusion; but in this retreat he meditated the most fatal vengeance against all his enemies^L. He secretly sent abroad his emissaries to enlist foreign soldiers, and to invite the rapacious Brabançons into his service, by the prospect of sharing the spoils of England, and reaping the forfeitures of so many opulent barons, who had incurred the guilt of rebellion, by rising in arms against him^M. And he dispatched a messenger to Rome, in order to lay before the pope the great charter, which he had been compelled to sign, and to complain, before that tribunal, of the violence, which had been imposed upon him^N.

INNOCENT, considering himself as feudal lord of the kingdom, was incensed at the temerity of the barons, who, though they pretended to appeal to his authority, had dared, without waiting for his consent, to impose such terms on a prince, who, by resigning to the Roman pontiff his crown and independence, had placed himself under

¹ M. Paris, p. 182.

^K M. Paris, p. 183.

^L Ibid.

^M M. Paris, p. 183. Chron. Dunst. vol. i. p. 72. Chron. Mailr. p. 188.

^N M. Paris, p. 183. Chron. Dunst. vol. i.

p. 73.

CHAP.
XI.

1215.

Renewal
of the ci-
vil wars.

under the papal protection. He issued, therefore, a bull, in which, from the plenitude of his apostolic power, and from the authority, which God had committed to him, to build and destroy kingdoms, to plant and overthrow, he annulled and vacated the whole charter, as unjust in itself, as obtained by compulsion, and as derogatory to the dignity of the apostolic see. He prohibited the barons to exact the observance of it: He even prohibited the king himself to pay any regard to it: He absolved him and his subjects from all oaths, which they had been constrained to take to that purpose: And he denounced a general sentence of excommunication against every one, who should persevere in maintaining such treasonable and iniquitous pretensions ^o.

THE king, as his foreign forces arrived along with this bull, now ventured to take off the mask; and, under sanction of the pope's decree, recalled all the liberties, which he had granted to his subjects, and which he had solemnly sworn to observe. But the spiritual weapon was found upon trial to carry less force with it, than he had reason from his own experience to apprehend. The primate refused to obey the pope in publishing the sentence of excommunication against the barons; and tho' he was cited to Rome, that he might attend a general council, there assembled, and was suspended, on account of his disobedience to the pope, and his secret correspondence with the king's enemies ^p: Though a new and particular sentence of excommunication was denounced by name against the principal barons ^q; John still found, that his nobility and people, and even his clergy, adhered to the defence of their liberties, and to their combination against him: The sword of his foreign mercenaries was all he had to trust to for the restoration of his authority.

THE barons, after obtaining the great charter, seem to have been lulled into a fatal security, and to have taken no rational measures, in case of the introduction of a foreign force, for re-assembling their armies. The king was from the first master of the field; and immediately laid siege to castle of Rochester, which was obstinately defended by William de Albiney, at the head of an hundred and forty knights with their retainers, and was at last reduced by famine.

^o Rymer, vol. i. p. 203, 204, 205, 208. M. Paris, p. 184, 185, 187. ^p M. Paris, p. 189. ^q Rymer, vol. i. p. 211. M. Paris, p. 192.

1215.
30th Nov.

famine. John, irritated with the resistance, intended to have hanged the governor and all the garrison; but on the representation of William de Mauleon, who suggested to him the danger of reprizals, he was contented to sacrifice, in this barbarous manner, the inferior prisoners only.^R The captivity of William de Albiney, the best officer among the confederated barons, was an irreparable loss to their cause; and no regular opposition was thenceforth made to the progress of the royal arms. The ravenous and barbarous mercenaries, incited by a cruel and enraged prince, were let loose against the estates, tenants, manors, houses, parks of the barons, and spread devastation over the face of the kingdom. Nothing was seen but the flames of villages and castles reduced to ashes, the consternation and misery of the inhabitants, tortures exercised by the soldiery to make them reveal their concealed treasures^S, and reprizals no less barbarous, committed by the barons and their partizans on the royal demesnes, and on the estates of such as still adhered to the crown^T. The king marching through the whole extent of England, from Dover to Berwick, laid the provinces waste on each side of him; and considered every estate, which was not his immediate property, as entirely hostile, and the object of military execution. The nobility of the north in particular, who had shewn the greatest violence in the recovery of their liberties, and who, acting in a separate body, had expressed their discontent even at the concessions made by the great charter; as they could expect no mercy, fled before him with their wives and families, and purchased the friendship of Alexander, the young king of Scots, by doing homage to him^V.

THE barons, reduced to this desperate extremity, and Prince menaced with the total loss of their liberties, their properties, and their lives, employed a remedy no less desperate: and making applications to the court of France, offered to acknowledge Lewis, the eldest son of Philip, for their sovereign; on condition, that he afforded them protection from the violence of their enraged prince^X.

Though

^R M. Paris, p. 187. ^S Chron. de Mailr. p. 190. Ann. Waverl. p. 18. M. West. p. 274, 275. ^T M. Paris, p. 190. W. Heming. p. 558. ^V Chron. de Mailr. p. 190. Heming. p. 558. ^X M. West. p. 274. Knyghton, p. 2423.

CHAP. Though the sense of the common rights of mankind, the
XI only rights which are entirely indefeasible, might have
 justified them in the deposition of their king; they declined
 insisting before Philip, on a pretension, which is commonly so unfavourable among sovereigns, and which sounds harshly in their royal ears. They affirmed, that John was incapable of succeeding to the crown, by reason of the attainder, passed upon him during his brother's reign; though that attainder had been reversed, and Richard had even, by his last will, declared him his successor. They pretended, that he was already legally deposed by sentence of the peers of France, on account of the murder of his nephew; though that sentence could not possibly regard any thing but his transmarine dominions, which alone he held in vassalage to that crown. On more plausible grounds, they affirmed, that he had already deposed himself by doing homage to the pope, changing the nature of his sovereignty, and resigning an independent crown for a fee under a foreign power. And as Blanche of Castile, the wife of Lewis, was descended by her mother from Henry II. they maintained, though many other princes stood before her in the order of succession, that they had not shaken off the royal family in choosing her husband for their sovereign.

PHILIP was extremely tempted to lay hold of the rich prize which was offered to him. The pope's legate menaced him with interdicts and excommunications if he invaded the patrimony of St. Peter, or attacked a prince, who was under the immediate protection of the holy see^y; but as Philip was assured of the obedience of his own vassals, his principles were changed with the conjunctures of the times, and he now undervalued as much all papal censures, as he formerly pretended to pay respect to them. His chief scruple was with regard to the fidelity, which he might expect of the English barons in their new engagements, and the danger of entrusting his son and heir into the hands of men, who might, on any caprice or necessity, make peace with their native sovereign, by sacrificing a pledge of so much value. He therefore exacted from the barons twenty-five hostages of the most noble birth in the kingdom^z; and having obtained

^y M. Paris, p. 194. M. West. p. 275.

^z M. Paris,

p. 193. Chron. Dunst. vol. i. p. 74.

tained this security, he first sent over a small army to the relief of the confederates, and then more numerous forces, who arrived with Lewis himself at their head.

C H A P.
XI.

1216.

THE first effect of the young prince's appearance in England was the desertion of John's foreign troops, who, being mostly levied in Flanders, and other provinces of France, refused to serve against the heir of their monarchy^A. The Gascons and Poictevins alone, who were still John's subjects, adhered to his cause; but they were too weak to maintain that superiority in the field, which they had hitherto supported against the confederated barons. Many considerable noblemen deserted John's party, the earls of Salisbury, Arundel, Warrene, Oxford, Almarle, and William Mareschal the younger: His castles fell daily into the hands of the enemy: Dover was the only place, which, from the valour and fidelity of Hubert de Burgh, the governor, made resistance to the progress of Lewis's arms^B: And the barons had the melancholy prospect of finally succeeding in their purpose, and of escaping the tyranny of their own king, by imposing on themselves and the nation a foreign yoke. But this union was of very short duration between the French and English nobles; and the imprudence of Lewis, who on every occasion shewed too visible a preference to the former, increased that jealousy, which it was so natural for the latter to entertain in their present situation^C. The viscount of Melun, too, it is said, one of his courtiers, fell sick at London, and finding the approaches of death, he sent for some of his friends among the English barons, and warning them of their danger, revealed Lewis's secret intentions of exterminating them and their families as traitors to their prince, and bestowing their estates and dignities on his native subjects, in whose fidelity he could more reasonably place confidence^D. This story, whether true or false, was universally reported and believed; and concurring with other circumstances, which rendered it credible, did an infinite prejudice to the cause of Lewis. The earl of Salisbury and other noblemen deserted again to John's party^E; and as men easily change sides in a civil war, especially where their power is founded on an hereditary and

^A M. Paris, p. 195. ^B M. Paris, p. 198. Chron. Dunst. vol. i. p. 75, 76. ^C W. Heming. p. 559. ^D M. Paris, p. 199. M. West. p. 277. ^E Chron. Dunst. vol. i. p. 78.

CHAP.

XI.

1216.

Death
and cha-
racter of
the king.

and independent authority, and is not derived from the opinion and favour of the people, the French prince had reason to dread a sudden reverse of fortune. The king was assembling a considerable army, with a view of fighting one great battle for his crown; but passing from Lynne to Lincolnshire, his road lay along the sea-shore, which was overflowed at high water; and not choosing the proper time for his journey, he lost in the inundation all his carriages, treasure, baggage, and regalia. The affliction of this disaster, and vexation from the distracted state of his affairs, encreased the sickness, under which he then laboured; and though he reached the castle of Newark, he was obliged to halt there, and his distemper soon after put an end to his life, in the forty-ninth year of his reign; and freed the nation from the dangers, to which it was equally exposed, by his success or his misfortunes.

THE character of this prince is nothing but a complication of vices, equally mean and odious; ruinous to himself, and destructive to his people. Cowardice, inactivity, folly, levity, licentiousness, ingratitude, treachery, tyranny, and cruelty; all these qualities appear too evidently in the several instances of his life to give us room to suspect, that the disagreeable picture has been any wise overcharged, by the prejudices of the antient historians. It is hard to say, whether his conduct to his father, his brother, his nephew, or his subjects was most culpable; or whether his crimes in these respects were not even exceeded by the baseness, which appeared in his transactions with the king of France, the pope, and the barons. His dominions, when they devolved to him by the death of his brother, were more extensive than have ever, since his time, been ruled by any English monarch: But he first lost by his misconduct the flourishing provinces in France, the antient patrimony of his family: He subjected his kingdom to a shameful vassalage under the see of Rome: He saw the prerogatives of his crown diminished by law, and still more reduced by faction: And he died at last, when in danger of being totally expelled by a foreign power, and of either ending his life miserably in prison, or seeking shelter as a fugitive from the pursuit of his enemies.

THE prejudices against this prince were so violent, that he was believed to have sent an embassy to the Miramoulin or emperor of Morocco, and to have offered to change his

his religion and become Mahometan, in order to purchase the protection of that monarch. But though that story is told us, on plausible authority, by Matthew Paris^f, it is in itself utterly improbable; except, that there is nothing so incredible as may not become likely from the folly and wickedness of John.

THE monks throw great reproaches on this prince for his impiety and even infidelity; and as an instance of it, they tell us, that having, one day, caught a very fat stag, he exclaimed, *How plump and well fed is this animal! and yet I dare swear he never heard mass*^g. This sally of wit, upon the usual corpulency of the priests, more than all his enormous crimes and iniquities, made him pass with them for an atheist.

JOHN left two legitimate sons behind him, Henry, born on the first of October, 1207, and now nine years of age; and Richard, born on the sixth of January, 1209; and three daughters, Jane married to Alexander king of Scots; Eleanor married first to William Marshal younger, earl of Pembroke, and then to Simon Mountfort, earl of Leicester; and Isabella married to the emperor, Frederic II. All these children were born to him by Isabella of Angoulesme, his second wife. His illegitimate children were numerous; but none of them were any wise distinguished. It was this king, who, in the ninth year of his reign, first gave liberty by charter to the city of London, conferring on them the right of electing annually a mayor out of their own body, which was till now held for life. He gave the city also power to elect and remove their sheriffs at pleasure, and their common-council-men annually. London Bridge was finished in this reign: The former bridge was of wood. Maud the empress was the first that built a stone bridge in England.

So great was the superstition of England during this period, that from the conquest to 1216, the space of 150 years, five hundred and fifty religious houses were founded, which are five-sevenths of the whole that existed at their dissolution^h.

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^f P. 169. ^g M. Paris, p. 170. ^h Anderfon's History of Commerce, vol. i. p. 108.

A P P E N D I X II.

The FEUDAL and ANGLO-NORMAN
GOVERNMENT and MANNERS.

Origin of the feudal law — Its progress — Feudal government of England — The feudal parliament — The commons — Judicial power — Revenue of the crown — Commerce — The Church — Civil Laws — Manners.

Appendix
II.

THE feudal law is the chief foundation, both of the political government and of the jurisprudence, established by the Normans in England. Our subject therefore requires, that we should form a just idea of this law, in order to explain the state, as well of that kingdom, as of all the other kingdoms of Europe, which, during those ages, were governed by similar institutions. And though I am sensible, that I must here repeat many observations and reflections, which have been communicated by others^I; yet, as every book, agreeably to the observation of a great historian^K, should be as compleat as possible within itself, and should never refer, for any thing material, to other books, it will be necessary, in this place, to deliver a short plan of that prodigious fabric, which, for several centuries, preserved such a mixture of liberty and oppression, order and anarchy, stability and revolution, as was never experienced in any other age or any other part of the world.

Origin of the feudal law. AFTER the northern nations subdued the provinces of the Roman empire, they were obliged to establish a system of government, which might secure their conquests, as well against the revolt of their numerous subjects, who remained in the provinces, as from the inroads of other tribes, who might be tempted to ravish from them their new acquisitions. The great change of circumstances made

^I L'Esprit des loix. Dr. Robertson's history of Scotland.
Dalrymple of feudal Tenures. ^K Padre Paolo Hist. Conc. Trid.

made them here depart from those institutions, which prevailed among them, while they remained in the forests of Germany; yet was it still natural for them to retain, in their present settlement, as much of their antient customs as was compatible with their new situation. Appendix II.

THE German governments, being more a confederacy of independent warriors, than a civil subjection, derived their principal force from many inferior and voluntary associations, which individuals formed under a particular head or chieftain, and which it became the highest point of honour to maintain with inviolable fidelity. The glory of the chieftain consisted in the number, the bravery, and the zealous attachment of his retainers: The duty of the retainers required that they should accompany their chieftain in all wars and dangers, that they should fight and perish by his side, and that they should esteem his renown or his favour a sufficient recompence for all their services^L. The prince himself was nothing but a great chieftain, who was chosen from among the rest, on account of his superior valour or nobility; and who derived his power from the voluntary association or attachment of the other chieftains.

WHEN a tribe, governed by those ideas, and actuated by those principles, subdued a large territory, they found, that though it was necessary to keep themselves in a military posture, they could neither remain united in a body, nor take up their quarters in several garrisons, and that their manners and institutions debarred them from using those expedients; the obvious ones, which, in a like situation, would have been employed by a civilized nation. Their ignorance in the art of finances, and perhaps the devastations inseparable from such violent conquests, rendered it impracticable for them to levy taxes sufficient for the pay of numerous armies; and their repugnance to a slavish subordination, with their attachment to rural pleasures, made the life of the camp or garrison, if perpetuated during peaceful times, extremely odious and disgusting to them. They seized, therefore, such a proportion of the conquered lands as appeared necessary; they assigned a share for supporting the dignity of their prince and government; they distributed other parts, under the title of fiefs, to the chieftains; these made a new partition

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^L Tacit. de Mor. Germ.

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tion among their retainers; the express condition of all these grants was, that they might be resumed at pleasure, and that the possessor, so long as he enjoyed them, should still remain in readiness to take the field for the defence of the nation. And though the conquerors immediately separated, in order to enjoy their new acquisitions, their martial disposition made them readily fulfil the terms of their engagement: They assembled on the first alarm; their habitual attachment to the chieftain made them willingly submit to his command; and thus a regular military force, though concealed, lay always ready, to defend, on any emergence, the interest and honour of the community.

WE are not to imagine, that all or even the greatest part of the conquered lands was seized by the northern conquerors; or that the whole of the land thus seized was subjected to these military services. This supposition is confuted by the history of all the nations on the continent. Even the idea given us of the German manners by the Roman historian, may convince us, that that bold people would never have been contented with so precarious a subsistence, or have fought to procure establishments, which were only to continue during the good pleasure of their sovereign. Though the northern chieftains accepted of lands, which, being considered as a kind of military pay, might be resumed at the will of the king or general; they also took possession of estates, which, being hereditary and independent, enabled them to maintain their native liberty, and support, without court-favour, the honour of their rank and family.

Progress
of the
feudal
law.

BUT there is a great difference, in the consequences, between the distribution of a pecuniary subsistence, and the assignment of lands burdened with the condition of military service. The delivery of the former at the weekly, monthly, or annual terms of payment, still recalls the idea of a voluntary gratuity from the prince, and reminds the soldier of the precarious tenure by which he holds his commission. But the attachment naturally formed with a fixed portion of land, gradually begets the idea of something like property, and makes the possessor forget his dependent situation, and the condition which was at first annexed to the grant. It seemed equitable, that one who had cultivated and sowed a field, should reap the harvest: Hence fiefs, which were at first entirely precarious, were soon

soon made annual. A man, who had employed his money in building, planting, or other improvements, expected to reap the fruits of his labour or expence: Hence they were next granted during a term of years. It would be thought hard to expel a man from his possessions, who had always done his duty, and performed the conditions on which he originally received them: Hence the chieftains, in a subsequent period, thought themselves entitled to demand the enjoyment of their feudal lands during life. It was found, that a man would, in battle, hazard his life more willingly, if assured, that his family should inherit his possessions, and should not be exposed by his death to want and poverty: Hence fiefs were made hereditary in families, and descended, during one age, to the son; then to the grandson, next to the brothers, and afterwards to more distant relations^M. The idea of property stole in gradually upon that of military pay; and each century made some sensible addition to the stability of fiefs and tenures.

IN all these successive acquisitions, the chieftain was supported by his vassals; who, having originally a strong connexion with him, augmented by the constant intercourse of good offices, and by the friendships arising from neighbourhood and dependence, were inclined to follow their leader, against all his enemies, and voluntarily, in his private quarrels, pay him the same obedience, to which by their tenure they were bound in foreign wars. While he daily advanced new pretensions to secure the possession of his superior fief, they expected to find the same advantage in acquiring stability to their subordinate ones; and they zealously opposed the intrusion of a new lord, who would be inclined, as he was fully intitled, to bestow the possession of their lands on his own favourites and retainers. The authority of the sovereign gradually decayed; and the nobles, fortified each in his own territory by the attachment of his vassals, became too powerful to be expelled by an order from the throne; and he secured by law what he had at first acquired by usurpation.

DURING this precarious state of the supreme power, a difference would immediately be experienced between those portions of territory which were subjected to the feudal

^M Lib. Feud. lib. 1. tit. 1.

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feudal tenures, and those which were possessed by an allodial or free title. Though the latter possessions had at first been esteemed infinitely preferable, they were soon found, by the progressive changes introduced into public and private law, to be of a much inferior condition to the former. The possessors of a feudal territory, united by a regular subordination under one chieftain, and by the mutual attachments of the vassals, had the same advantages over the proprietors of the other, which a disciplined army enjoys over a dispersed multitude; and were enabled to commit with impunity all injuries on their defenceless neighbours. Every one, therefore, hastened to seek that protection which he found so necessary; and each allodial proprietor, resigning his possessions into the hands of the king, or of some nobleman respected for power or valour, received them back with the condition of feudal services^N, which, though a burthen somewhat grievous, brought him ample compensation, by connecting him with the neighbouring proprietors, and placing him under the guardianship of a potent chieftain. The decay of the political government thus necessarily occasioned the extension of the feudal: The kingdoms of Europe were universally divided into baronies, and these into inferior fiefs: And the attachment of vassals to their chieftain, which was at first an essential part of the German manners, was still supported by the same causes from which it at first arose; the necessity of mutual protection, and the continued intercourse, between the head and the members, of benefits and services.

BUT there was another circumstance, which corroborated these feudal dependences, and tended to connect the vassals with their superior lord by an indissoluble bond of union. The northern conquerors, as well as the more early Greeks and Romans, embraced a policy, which is unavoidable to all nations that have made slender advances in refinement; and they every where united the civil jurisdiction with the military power. Law, in its commencement, was not an intricate science, and was more governed by maxims of equity, which seem obvious to common sense, than by numerous and subtle principles, applied to a variety of cases by profound reasonings from analogy. An officer, though he had passed his life in the

^N Marculf. Form. 47. apud Lindenbr. p. 1238.

the field, was able to determine all legal controversies which could occur within the district committed to his charge; and his decisions were the most likely to meet with a prompt and ready obedience, from men who respected his person, and were accustomed to act under his command. The profit arising from punishments, which were then chiefly pecuniary, was another reason for his desiring to retain the judicial power; and when his fief became hereditary, this authority, which was essential to it, was also transmitted to his posterity. The counts and other magistrates, whose power was merely official, were tempted, in imitation of the feudal lords, whom they resembled in so many particulars, to render their dignity perpetual and hereditary; and in the decline of the regal power, they found no difficulty to make good their pretensions. After this manner, the vast fabric of feudal subordination became quite solid and comprehensive; it formed every where an essential part of the political constitution; and the Norman and other barons, who followed the fortunes of William, were so accustomed to it, that they could scarce form any idea of any other species of civil government^o.

THE Saxons, who conquered England, as they exterminated the antient inhabitants, and were secured by the sea against new invaders, found it less requisite to maintain themselves in a military posture; and the quantity of land which they annexed to offices, seems to have been of small value; and for that reason continued the longer in its original situation, and was always possessed during pleasure by those entrusted with the command. These conditions were too precarious to satisfy the Norman chieftains, who enjoyed more independent possessions and jurisdictions in their own country; and William was obliged, in the new distribution of land, to copy the tenures, which were now become universal on the continent. England of a sudden became a feudal kingdom^p; and received all the advantages, and was exposed to all the inconveniencies, incident to that species of civil polity.

ACCORDING

^o The ideas of the feudal government were so rooted, that even lawyers, in those ages, could not form a notion of any other constitution. *Regnum*, (says Bracton, lib. 2. cap. 34.) *quod ex comitatibus & baronibus dicitur esse constitutum*,

^p Coke Comm. on. Lit. p. 1, 2. ad sect. 1.

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The feudal government of England.

ACCORDING to the principles of the feudal law, the king was the supreme lord of the landed property; and all possessors, who enjoyed the fruits or revenue of any part of it, held those privileges, either mediately or immediately, of him, and their property was conceived to be, in some degree, conditional. The land was still apprehended to be a species of *benefice*, which was the original conception of a feudal property; and the vassal owed, in return for it, stated services to his baron, as the baron himself did for his land to the crown. The vassal was obliged to defend his baron in war; and the baron, at the head of his vassals, was bound to fight in defence of the king and kingdom. But besides these military services, which were casual, there were others imposed of a civil nature, which were more constant and perpetual.

THE northern nations had no idea, that any man, trained up to honour, or enured to arms, was ever to be governed, without his own consent, by the absolute will of another; or that the administration of justice was ever to be exercised by the private opinion of any one magistrate, without the concurrence of some other persons, whose interest might induce them to check his arbitrary and iniquitous decisions. The king, therefore, when he found it necessary to demand any services of his barons or chief tenants, beyond what was due by their tenures, was obliged to assemble them, in order to procure their consent: And when it was necessary to determine any controversy among the barons themselves, the question must be discussed in their presence, and be decided according to their opinion or advice. In these two circumstances of consent and advice, consisted chiefly the civil services of the antient barons; and these implied all the considerable incidents of governments. In one view, the barons regarded this attendance as their principal *privilege*; in another, as a grievous *burden*. That no momentous affairs could be transacted without their consent and advice, was in general esteemed the great security of their possessions and dignities; but as they reaped no immediate profit from their attendance at court, and were exposed to great inconvenience and charge by an absence from their own estates, every one was glad to exempt himself from each particular exertion of this power; and was

Q. Somner of Gavelk. p. 109. Smith de Rep. lib. 3. cap. 10.

was pleased both that the call for that duty should seldom return upon him, and that others should undergo the burden in his stead. The king, on the other hand, was usually anxious, for several reasons, that the assembly of the barons should be full at every stated or casual time of meeting: This attendance was the chief badge of their subordination to his crown, and drew them from that independence, which they were apt to affect in their own castles and manors; and where the meeting was thin or ill attended, its determinations had less authority, and were not followed by so ready an obedience from the whole community.

THE case was the same with the barons in their courts as with the king in the supreme council of the nation. It was requisite to assemble the vassals, in order to determine by their vote any question which regarded the barony; and they sat along with the chieftain in all trials, whether civil or criminal, which occurred within the limits of their jurisdiction. They were bound to pay suit and service at the court of their baron; and as their tenure was military, and consequently honourable, they were admitted into his society, and partook of his friendship. Thus, a kingdom was only considered as a great barony, and a barony as a small kingdom. The barons were peers to each other in the national council, and, in some degree, companions to the king: The vassals were peers to each other in the court of barony, and companions to their baron^R.

BUT though this resemblance so far took place, the vassals, by the natural course of things, universally, in the feudal constitutions, fell into a greater subordination under the baron, than the baron himself under his sovereign; and these governments had a necessary and infallible tendency to augment the power of the nobles. The great chieftain, residing in his country-seat or castle, which he was commonly allowed to fortify, lost, in a great measure, his connexion or acquaintance with the prince; and added every day new force to his authority over the vassals of the barony. They received from him education in all military exercises: His hospitality invited them to live and enjoy society in his hall: Their leisure, which

was

^R Du Cange Gloss. in verb. *Par*. Cujac. Commun. in Lib. Feud. lib. 1. tit. p. 18. Spelm. Gloss. in verb.

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was great, made them perpetual retainers on his person, and partakers of his country sports and amusements: They had no means of gratifying their ambition but by making a figure in his train: His favour and countenance was their greatest honour: His displeasure exposed them to contempt and ignominy: And they felt every moment the necessity of his protection, both in the controversies which occurred with other vassals, and what was more material, in the daily inroads and injuries which were committed by the neighbouring barons. During the time of general war, the sovereign, who marched at the head of his armies, and was the great protector of the state, acquired always some accession to his authority, which he lost during the intervals of peace and tranquillity: But the loose police incident to the feudal constitutions, maintained a perpetual, though secret hostility, between the several members of the state; and the vassals found no other means of security against the injuries to which they were continually exposed, but by closely adhering to their chieftain, and falling into a submissive dependence upon him.

If the feudal government was so little favourable to the true liberty even of the military vassal, it was still more destructive of the independence and security of the other members of the state, or what in a proper sense we call the people. A great part of them were *serfs*, and lived in a state of absolute slavery or villainage: The other inhabitants of the country paid their rent in services which were in a great measure arbitrary, and they could expect no redress of injuries in a court of barony from men who thought they had a right to oppress and tyrannize over them: The towns were situated either within the demesnes of the king, or the lands of the great barons, and were almost entirely subjected to the absolute will of their master. The languishing state of commerce kept the inhabitants poor and contemptible; and the political institutions were calculated to render that poverty perpetual. The barons and gentry, living in rustic plenty and hospitality, gave no encouragement to the arts, and had no demand for any of the more elaborate produce of manufactures: Every profession was held in contempt but

* Camden gives an instance of the homely manners of this age, from the tenure of certain lands held of William the conqueror

but that of arms: And if any merchant or manufacturer rose by industry and frugality to a degree of opulence, he found himself but the more exposed to injuries, from the envy and avidity of the military nobles. Appendix
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THESE concurring causes gave the feudal governments so strong a bias towards aristocracy, that the royal authority was extremely eclipsed in all the European states; and, instead of dreading the growth of monarchical power, we might rather expect, that the community would every where crumble into so many independent baronies, and lose the political union by which they were cemented. In elective monarchies, the event was commonly answerable to this expectation; and the barons, gaining ground on every vacancy of the throne, raised themselves almost to a state of sovereignty, and sacrificed to their power both the rights of the crown and the liberties of the people. But hereditary monarchies had a principle of authority, which was not so easily subverted; and there were several causes, which still maintained a degree of influence in the hands of the sovereign.

THE greatest baron could never lose view entirely of those principles of the feudal constitution, which bound him, as a vassal, to submission and fidelity towards his prince; because he was every moment obliged to have recourse to those principles, in exacting fidelity and submission from his own vassals. The lesser barons, finding that the annihilation of royal authority left them exposed without protection to the insults and injuries of more potent neighbours, naturally adhered to the crown, and promoted the execution of general and equal laws. The people had still a stronger interest to desire the grandeur of the sovereign; and the king, being the legal magistrate, who suffered by every internal convulsion or oppression, and who regarded the great nobles as his immediate rivals, assumed the salutary office of general guardian or protector of the commons. Besides the prerogatives with which the law endowed him; his large demesnes and numerous retainers rendered him, in one sense, the greatest baron of his kingdom; and where he was possessed of personal vigour and ability (for his situation required these advantages)

queror by William de Ailesbury, who was obliged to find litter for the king's bedchamber, whenever he should come thither. There is mention of a like charter in the reign of Edward II. See Anderson's History of Commerce, p. 112.

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advantages) he was commonly able to preserve his authority, and maintain his station as head of the community, and the chief fountain of law and justice.

THE first kings of the Norman race were favoured by another circumstance, which preserved them from the encroachments of their barons. They were generals of a conquering army, which was obliged to continue in a military posture, and to maintain great subordination under their leader, in order to secure themselves, from the revolt of the numerous natives, whom they had bereaved of all their properties and privileges. But though this circumstance supported the authority of William and his immediate successors, and rendered them extremely absolute, it was lost as soon as the Norman barons began to coalesce with the nation, to acquire a security in their possessions, and to fix their influence over their vassals, tenants, and slaves. And the immense fortunes, which the conqueror had bestowed on his chief captains, served to support their independency, and make them formidable to the sovereign.

HE gave, for instance, to Hugh de Abrincis, his sister's son, the whole county of Chester, which he erected into a palatinate, and rendered by his grant almost independent of the crown^T. Robert, earl of Mortaigne had 973 manors and lordships: Allan, earl of Brittany and Richmond, 442: Odo, bishop of Baieux, 439^U: Geoffry, bishop of Coutance, 280^X: Walter Giffard, earl of Buckingham, 107^Y: William, earl Warrenne, 298, besides 28 towns or hamlets in Yorkshire^Z: Todenei, 81^A: Roger Bigod, 123^B: Robert, earl of Ewe, 119^C: Roger Mortimer, 132, besides several hamlets^D: Robert de Stafford, 130^E: Walter de Eurys, earl of Salisbury, 46^F: Geoffrey de Mandeville, 118^G: Richard de Clare, 171^H: Hugh de Beauchamp, 47^I: Baldwin de Ridvers, 164^K: Henry de Ferrers, 222^L: William de Percy, 119^M. Norman d'Arcy,

33-

^T Cambd. in Chesh. Spel. Gloss. in verb. *Comes Palatinus*. ^U Brady's Hist. p. 198, 200. ^X Order. Vital.

^Y Dugd. Bar. vol. i. p. 60. from Domesday-book. ^Z Id. p. 74. ^A Id. p. 111, 112. ^B Id. p. 132. ^C Id. p. 136.

^D Id. p. 138. ^E Id. p. 156. ^F Id. p. 174. ^G Dugd. Bar. vol. i. p. 200. from Domesday-book. ^H Id. p. 207.

^I Id. p. 223. ^K Id. p. 254. ^L Id. p. 257. ^M Dugd. Bar. vol. i. p. 269. from Domesday-book.

33^N. Sir Henry Spelman computes, that in the large county of Norfolk, there were not, in the conqueror's time, above sixty-six proprietors of land^O. Men, possessed of such princely revenues and jurisdictions, could not long be retained in the rank of subjects. The great earl Warrenne, in a subsequent reign, when he was questioned concerning his right to the lands which he possessed, drew his sword, which he produced as his title; adding that William the Bastard did not conquer the kingdom himself; but that the barons, and his ancestor among the rest, were joint adventurers in the enterprise^P.

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THE supreme legislative power of England was lodged in the king and great council, or what was afterwards called the parliament. It is not doubted but the archbishops, bishops, and most considerable abbots were constituent members of this council. They sat by a double title: By prescription, as having always possessed that privilege, through the whole Saxon period, from the first establishment of christianity; and by their right of baronage, as holding of the king *in capite* by military service. These two titles of the prelates were never accurately distinguished. When the usurpations of the church had risen to such a height, as to make the bishops affect a separate dominion, and regard their seat in parliament as a degradation of their episcopal dignity; the king insisted, that they were barons, and on that account, obliged, by the general principles of the feudal law, to attend on him in his great councils^Q. Yet there still remained some practices, which supposed their title to be derived merely from antient possession: When a bishop was elected, he sat in parliament before the king had made him restitution of his temporalities; and during the vacancy of a see, the guardian of the spiritualities was summoned to attend along with the bishops.

THE barons were another constituent part of the great council of the nation. These held immediately of the crown by a military tenure: They were the most honourable

^N Dugd. Bar. vol. i. p. 369. It is remarkable that this family of d'Arcy, seems to be the only male descendants of any of the conqueror's barons now remaining among the peers. Lord Holderness is the heir of that family.

^P Spel Gloss in verb. *Domesday*. ^P Dug. Bar. vol. i. p. 79. ^Q Id. Origines Juridicales, p. 13. ^Q Spel. Gloss. in verb. *Baro*.

nourable members of the state, and had a *right* to be consulted in all public deliberations: They were the immediate vassals of the crown, and owed as a *service* their attendance in the court of their supreme lord. A resolution, taken, without their consent, was likely to be but ill executed: And no determination of any cause or controversy among them had any validity, where the vote and advice of the whole body did not concur. The dignity of earl or count was official and territorial, as well as hereditary; and as all the earls were also barons, they were considered as military vassals of the crown, were admitted in that capacity into the general council, and formed the most honourable and powerful branch of it.

BUT there was another class of the immediate military tenants of the crown, equally numerous with the barons, the tenants *in capite* by knights service; and these, however inferior in power or property, held by a tenure, which was equally honourable with that of the others. A barony was commonly composed of several knights fees: And though the number seems not to have been exactly defined, seldom consisted of less than forty hydes of land^R: But where a man held of the king only one or two knights fees, he was still an immediate vassal of the king, and as such had a title to have a seat in the general councils. But as this attendance was usually esteemed a burthen, and one too great for a man of slender fortune to bear constantly; it is probable, that though he had a title, if he pleased, to be admitted, he was not obliged, by any penalty, like the barons, to pay a regular attendance. All the immediate military tenants of the crown amounted not fully to 700, when Domesday-book was framed; and as the members were well pleased, on any pretext, to excuse themselves from attendance, the assembly was never likely on any occasion to become too numerous for the dispatch of public business.

The commons. So far the nature of a general council or antient parliament is determined without any doubt or controversy. The only question seems to be with regard to the commons, or the representatives of counties and boroughs; whether they were also, in more early times, constituent parts

^R Four hydes made one knight's fee. The relief of a barony was twelve times greater than that of a knight's fee; whence we may conjecture its value. Spelm. Gloss. in verb. *Frodum*.

parts of parliament? This question was once disputed in England with great acrimony; but such is the force of time and evidence, that they can sometimes prevail even over faction, and the question seems, by general consent, and even by their own, to be at last determined against the ruling party. It is agreed that the commons were no part of the great council, till some ages after the conquest; and that the military tenants alone of the crown composed that supreme and legislative assembly. Appendix II.

THE vassals of a baron were by their tenure immediately dependent on him, owed attendance at his court, and paid all their duty to the king, through that dependence which their lord was obliged by *his* tenure to acknowledge to his sovereign and superior. Their land, comprehended in the barony, was represented in parliament by the baron himself, who was supposed, according to the fictions of the feudal law, to possess the direct property of it; and it would have been deemed incongruous to give it any other representation. They stood in the same capacity to him, that he and the other barons did to the king: The former were peers of the barony; the latter were peers of the realm: The vassals possessed a subordinate rank within their district; the baron enjoyed a supreme dignity in the great assembly: They were in some degree his companions at home; he the king's companion in the court: And nothing can be more evidently repugnant to all feudal ideas, and to that gradual subordination, which was essential to those antient institutions, than to imagine that the king would apply either for the advice or consent of men, who were of a rank or order so much inferior, and whose duty was immediately paid to the *mesne* lord, that was interposed between them and the throne ^R.

If it be unreasonable to think, that the vassals of a barony, though their tenure was military and noble and honourable, were ever summoned to give their opinion in national councils; much less can it be supposed, that the tradesmen or inhabitants of boroughs, whose conditions was still so much inferior, would be admitted to that privilege. It appears from Domesday, that the boroughs were, at the time of the conquest, scarce more than country villages; and that the inhabitants lived in entire dependence

^R Spelm. Gloss. in verb. *Baro*.

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dependence on the king or great lords, and were of a station little better than servile^s. They were not then so much as incorporated; they formed no community; were not regarded as a body politic; and being really nothing but a number of low dependent tradesmen, living without any particular civil tie, in neighbourhood together, were incapable of being represented in the states of the kingdom. Even in France, a country which made more early advances in arts and civility than England, the first corporation is sixty years posterior to the conquest under the duke of Normandy; and the erecting these communities was an invention of Lewis the Gros to free the people from slavery under the lords, and to give them protection, by means of certain privileges and a separate jurisdiction^t. An antient French author calls them a new and wicked device, to procure liberty to slaves, and encourage them in shaking off the dominion of their masters^u. The famous charter, as it is called, of the Conqueror to the city of London, though granted at a Time when he assumed the appearance of gentleness and lenity, is nothing but a letter of protection, and a declaration that the citizens should not be treated as slaves^x. By the English feudal law, the superior lord was prohibited to marry his female ward to a burgher or a villain^y; so near were these two ranks esteemed to each other, and so much inferior to the nobility and gentry. Besides possessing the advantages of birth, riches, civil powers and privileges; the nobles and gentlemen alone were armed; a circumstance, which gave them a mighty superiority, in an age when nothing but the military profession was honourable, and when the loose execution of laws gave so much encouragement to open violence, and rendered it so decisive in all disputes and controversies^a.

THE great similarity among all the feudal governments of Europe is well known to every man, that has any acquaintance with antient history; and the antiquarians of all foreign countries, where the question was never embarrassed

^s *Liber homo* antiently signified a gentleman: For scarce any one beside was entirely free. Spelm. Gloss. in verbo.

^t Du Cange's Gloss. in verb. *commune*, *communitas*.

^u Guibertus de vita sua, lib. 3. cap. 7.

^x Stat. of Merton, 1235, cap. 6. ^y Holingshed, vol. iii. p. 15.

^a Madox's Baron Angl. p. 19.

barrass'd by party disputes, have allowed, that the commons were very late in being admitted to a share in the legislative power. In Normandy particularly, whose constitution was most likely to be William's model in raising his new fabric of the English government, the states were entirely compos'd of the clergy and nobility; and the first incorporated boroughs or communities of that dutchy were Rouen and Falaife, which enjoyed their privileges by a grant of Philip Augustus in the year 1207^B. All the antient English historians, when they mention the great council of the nation, call it an assembly of the baronage, nobility or great men; and none of their expressions, tho' several hundred passages might be produced, can, without the utmost violence, be tortured to a meaning, which will admit the commons to be constituent members of that body^C. The *magna charta* of king John provides, that no tax or scutage should be impos'd but by the consent of the great council; and for more security, it enumerates the persons intitled to a seat in that council, the prelates and immediate tenants of the crown, without any mention of the commons: An authority so full, certain and explicit, that nothing but the zeal of party could ever have procur'd credit to any contrary system.

It was probably the example of the French barons which first embolden'd the English to require greater independence from their sovereign: It is also probable, that the boroughs and corporations of England were establish'd in imitation of those of France. It may, therefore, be propos'd, as no unlikely conjecture, that both the privileges of the peers and the liberty of the commons were originally the growth of that country.

In antient times, men were very little solicitous to obtain a place in the legislative assemblies; and rather regarded their attendance as a burden, which was not compensated by any return of profit or honour, proportioned to the trouble and expence. The only reason of institut-

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ing

^B Norman. Du Chefni, p. 1066. Du Cange Gloss. in verb. *commune*.

^C Sometimes the historians mention the people, *populus*, as a part of the parliament: But they always mean the laity, in opposition to the clergy. Sometimes, the word, *communitas*, is us'd, but it always means *communitas baronagii*. These points are clearly prov'd by Dr. Brady.

Appendix II. ing those public councils, was; on the part of the subject, that they desired some security from the attempts of arbitrary power; and on the part of the sovereign, that he despaired of governing men of such independent spirits without their own consent and concurrence. But the commons, or the inhabitants of boroughs, had not as yet reached such a degree of consideration, as to desire security against their prince, or to imagine, that, even if they were assembled in a representative body, they had power or rank sufficient to enforce it. The only protection, which they aspired to, was against the immediate violence and injustice of their fellow-citizens; and this advantage each of them looked for, from the courts of justice, or from the authority of some great lord, to whom, by law or his own choice, he was attached. On the other hand, the sovereign was sufficiently assured of obedience in the whole community, if he procured the concurrence of the nobles; nor had he reason to apprehend, that any order of the state could resist his and their united authority. The military sub-vassals could entertain no idea of opposing both their prince and their superiors: The burgesses and tradesmen could much less aspire to such a thought: And thus, even if history were silent on that head, we have reason to conclude, from the known situation of mankind during those ages, that the commons were never admitted as members of the legislative body.

THE *executive* power of the Anglo-Norman government was lodged in the king; and besides the stated meetings of the national council at the three great festivals of Christmas, Easter, and Whitsuntide ^D, he was accustomed, on any sudden exigence, to summon them together. He could at his pleasure command the attendance of his barons and their vassals, in which consisted the military force of the kingdom; and could employ them, during forty days, either in resisting a foreign enemy, or reducing his rebellious subjects. And what was of great importance, the whole *judicial* power was ultimately in his hands, and was exercised by officers and ministers of his appointment.

Judicial
power.

THE general plan of the Anglo-Norman government was, that the court of barony was appointed to decide such

^D Dugd. Orig. Jurid. p. 15. Spelm. Gloss. in verbo *parliamentum*.

such controversies as arose between the several vassals or subjects of the same barony; the hundred-court and county-court, which were still continued as during the Saxon times^B, to judge between the subjects of different baronies^F; and the *curia Regis* or king's court, to give sentence among the barons themselves^G. But this plan, though simple, was attended with some circumstances, which, being derived from a very extensive authority, assumed by the conqueror, contributed to the encrease of the royal prerogative; and while the state was not disturbed by arms, reduced every order of the community to some degree of dependence and subordination.

THE king himself often sat in his court, which always attended his person^H: He there heard causes and pronounced sentence^I, and though he was assisted by the advice of the other members, it is not to be imagined that a decision could easily be obtained contrary to his inclination or opinion. In his absence the chief justiciary presided, who was the first magistrate in the state, and a kind of viceroy, on whom depended all the civil affairs of the kingdom^K. The other chief officers of the crown,

H 2

the

^B Ang. Sacra, vol. i. p. 334, &c. Dugd. Orig. Jurid. p. 27. 29. Madox Hist. of Exch. p. 75, 76. Spelm. Gloss. in verbo *hundred*.

^F None of the feudal governments in Europe had such institutions as the county courts, which the great authority of the conqueror still retained from the Saxon customs. All the freeholders of the county, even the greatest barons, were obliged to attend the sheriffs in these courts, and to assist him in the administration of justice. By this means, they received frequent and sensible admonitions of their dependence on the king or supreme magistrate: They formed a kind of community with their fellow barons and freeholders: They were often drawn from their individual and independent state, peculiar to the feudal system; and were made members of a political body: And perhaps, this institution of county-courts in England has had greater effects on the government, than has yet been distinctly pointed out by historians or traced by antiquaries. The barons were never able to free themselves from this attendance on the sheriffs and itinerant justices till the reign of Henry III.

^G Brady Pref. 143. ^H Madox Hist. of Exch. p. 103.

^I Bracton, lib. 3. cap. 9. §. 1. cap. 10. §. 1. ^K Spelm. Gloss. in verbo *justiciaries*.

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the constable, marshal, seneschal, chamberlain, treasurer, and chancellor^L, were members, together with such feudal barons as thought proper to attend, and the barons of the Exchequer, who at first were also feudal barons, appointed by the king^M. This court, which was sometimes called the king's court, sometimes the court of Exchequer, judged in all causes, civil and criminal, and comprehended the whole business, which is now shared out among four courts, the Chancery, the king's Bench, the Common Pleas, and the Exchequer^N.

SUCH an accumulation of powers was itself a great source of authority, and rendered the jurisdiction of the court terrible to all the subjects; but the turn, which judicial trials took soon after the conquest, served still more to encrease its authority, and to augment the royal prerogatives. William, among the other violent changes, which he attempted and effected, had introduced the Norman law into England^O, had ordered all pleadings to be in that tongue, and had interwoven with the English jurisprudence, all the maxims and principles, which the Normans, more advanced in cultivation, and naturally litigious, were accustomed to observe in the distribution of justice. Law now became a science, which at first fell entirely into the hands of the Normans; and which, even after it was communicated to the English, required so much study and application, that the laity, in those ignorant ages, were incapable of attaining it, and it was a mystery almost solely confined to the clergy, and chiefly to the monks^P. The great officers of the crown and the feudal barons, who were military men, found themselves unfit to penetrate into those obscurities; and though they were intitled to a seat in the supreme judicature, the business of the court was wholly managed by the chief justiciary and the law barons, who were men appointed by the king, and entirely at his disposal^Q. This natural course of things was forwarded by the multiplicity of business, which

^L Madox Hist. Exch. p. 27, 29, 33, 38, 41, 54. The Normans introduced the practice of sealing charters; and the chancellor's office was to keep the Great Seal. *Ingulph. Dudg.* p. 33, 34. ^M Madox Hist. of the Exch. p. 134, 135. *Gerov. Darob.* p. 1387.

^N Madox Hist. of the Exch. p. 56, 70. ^O Dial. de Scac. p. 30. apud Madox Hist. of the Exchequer. ^P Malm. lib. 4. p. 123. ^Q Dudg. Orig. Jurid. p. 25.

which flowed into that court, and which daily augmented Appendix
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by the appeals from all the subordinate judicatures of the kingdom.

IN the Saxon times, no appeal was received in the king's court, except upon the denial or delay of justice by the inferior courts; and the same practice was still observed in most of the feudal kingdoms of Europe. But the great power of the conqueror established at first in England an authority, which the monarchs in France were not able to attain till the reign of St. Lewis, who lived near two centuries after: He empowered his court to receive appeals both from the courts of barony and the county-courts, and by that means brought the administration of justice ultimately into the hands of the sovereign^R. And lest the expence or trouble of a journey to court should discourage suitors, and make them acquiesce in the decision of the inferior judicatures, itinerant judges were afterwards established, who made their circuits through the kingdom, and tried all causes, that were brought before them^S. By this expedient, the courts of barony were kept in awe, and if they still preserved some influence, it was only from the apprehensions which the vassals might entertain of disobliging their superior, by appealing from his court. But the county-courts were much discredited; and as the freeholders were found ignorant of the intricate principles and forms of the new law, the lawyers gradually brought all business before the king's judges, and abandoned the antient simple and popular judicature. After this manner, the formalities of justice, which, though they appear tedious and cumbersome, are found requisite to the support of liberty in all monarchical governments, proved

^R Madox Hist. of the Exch. p. 65. Glanv. lib. 12. cap. 1, 7. LL. Hen. I. §. 31. apud Wilkins, p. 248. Fitz-Stephens, p. 36. Coke's Comment. on the Statute of Marlbridge, cap. 20.

^S Madox Hist. of the Exch. p. 83, 84, 100. Gerv. Dorob. p. 1410. What made the Anglo-Norman barons more readily submit to appeals from their court to the king's court of Exchequer, was, their being accustomed to like appeals in Normandy to the ducal court of Exchequer. See Gilbert's History of the Exchequer, p. 1, 2. though the author thinks it doubtful, whether the Norman court was not rather copied from the English, p. 6.

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of the
crown.

proved at first, by a combination of causes, very advantageous to the royal authority in England.

THE power of the Norman kings was also much supported by a great revenue; and by a revenue, that was fixed, perpetual, and independent of the subject. The people, without betaking themselves to arms, had no check upon the king, and no regular security for the due distribution of justice. In those days of violence, many instances of oppression passed unheeded; and were soon after openly pleaded as precedents, which it was unlawful to dispute or controul. Princes and ministers were too ignorant to be themselves sensible of the advantages attending an equitable administration; and there was no established council or assembly which could protect the people, and, by withdrawing supplies, regularly and peaceably admonish the king of his duty, and ensure the execution of the laws.

THE first branch of the king's stated revenue was the royal demesnes or crown-lands, which were very extensive, and comprehended, beside a great number of manors, most of the chief cities of the kingdom. It was established by law, that the king could alienate no part of his demesne, and that he himself, or his successor, could at any time, resume such donations^T: But this law was never regularly observed; which happily rendered in time the crown somewhat more dependent. The rent of the crown-lands, considered merely as so much riches, was a source of power: The influence of the king over his tenants and the inhabitants of his towns, increased this power: But the other numerous branches of his revenue, besides supplying his treasury, gave, by their very nature, a great latitude to arbitrary authority, and were a support of the prerogative; as will appear from an enumeration of them.

THE king was never content with the stated rents, but levied heavy talliages at pleasure on the inhabitants both of town and country, who lived within his demesne. All bargains of sale, in order to prevent theft, being prohibited, except in boroughs and public markets^U, he pretended to exact tolls on all goods which were there sold^X. He seized two hogheads, one before and one behind the mast,

^T Fleta, lib. 1. cap. 8. 17. lib. 3. cap. 6. §. 3. Bracton, lib. 2. cap. 5. ^U LL. Will. I. cap. 6. ^X Madox, p. 530.

maſt, from every veſſel that imported wine. All goods ^Y paid to his cuſtoms a proportional part of their value ^Y: Paſſage over bridges and on rivers was loaded with tolls at pleaſure ^Z: And though the boroughs by degrees bought the liberty of farming theſe impoſitions, yet the revenue profited by theſe bargains; new ſums were often exacted for the renewal and confirmation of the privileges ^A, and the people were thus held in perpetual dependence.

Such was the ſituation of the inhabitants within the royal demefnes. But the poſſeſſors of land, or the military tenants, though they were better protected, both by law, and by the great privilege of carrying arms, were, from the nature of their tenures, much expoſed to the inroads of power, and poſſeſſed not what we ſhould eſteem in our age a very durable ſecurity. The conqueror granted by his laws, that the barons ſhould be obliged to pay nothing beyond their ſtated ſervices ^B, except a reaſonable aid to ransom his perſon if he were taken in war, to make his eldeſt ſon a knight, and to marry his eldeſt daughter. What ſhould, on theſe occaſions, be deemed a reaſonable aid, was not determined; and the demands of the crown were ſo far diſcretionary.

THE king could require in war the perſonal attendance of his vaſſals, that is, of all the landed proprietors; and if they declined the ſervice, they were obliged to pay him a compoſition in money, which was called a ſcutage. The ſum was, during ſome reigns, very precarious and uncertain; it was ſometimes levied without allowing the vaſſal the liberty of perſonal ſervice ^C; and it was an uſual artifice of the king to pretend an expedition, that he might be intitled to levy the ſcutage from his military tenants. Danegelt was another ſpecies of land-tax levied by the early Norman kings, arbitrarily, and contrary to the laws of the conqueror ^D. Moneyage was alſo a general land-tax of the ſame nature, levied by the two firſt Norman kings, and aboliſhed by the charter of Henry I. ^E It was a ſhilling paid every three years by each hearth, to induce the

^Y Madox, p. 529. This author ſays a fifteenth. But it is not eaſy to reconcile this account to other authorities.

^Z Madox, p. 529. ^A Madox's Hiſt. of the Exch. p. 275. 276, 277, &c. ^B LL. Will. Conq. §. 55. ^C Gervafe

de Ti bury, p. 25. ^D Madox's Hiſt. of the Exch. p. 475.

^E Matth. Paris, p. 38.

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the king not to use his prerogative of debasing the coin. Indeed, it appears from that charter, that though the conqueror had granted his military tenants an immunity from all taxes and tallages, he and his son William had never thought themselves bound to observe that rule, but had levied impositions at pleasure on all the landed estates of the kingdom. The utmost that Henry grants, is, that the land cultivated by the military tenant himself shall not be so burdened; but he reserves the power of taxing the farmers: And as it is known, that Henry's charter was never observed in any one article, we may be assured, that this prince and his successors retracted even this small indulgence, and levied arbitrary impositions on all the lands of all their subjects. These taxes were sometimes very heavy; since Malmesbury tells us, that, in the reign of William Rufus, the farmers, on account of them, abandoned tillage, and a famine ensued^F.

THE escheats were a great branch both of power and of revenue to the king, especially during the first reigns after the conquest. In default of descendants from the first baron, his land reverted to the crown, and continually augmented the king's possessions. The prince had indeed by law a power of alienating these escheats; but by this means he enjoyed an opportunity of establishing the fortunes of his friends and servants, and thereby enlarging his authority. Sometimes he retained them in his own hands, and they were gradually confounded with his royal demesnes, and became difficult to be distinguished from them. This confusion is probably the reason why the king acquired the right of alienating his demesnes.

BUT besides escheats from default of heirs, those which ensued from crimes or breach of duty towards the superior lord, were very frequent in antient times. If the vassal, being thrice summoned to attend his superior's court, and do fealty, neglected or refused obedience, he forfeited all title to his lands^G. If he denied his tenure, or refused his service, he was exposed to the same penalty^H. Where he sold his estate without licence from his lord^I, or if he sold it upon any other tenure or title than that by which

^F So also Chron. Abb. St. Petri de Burgo, p. 55. Knyghton, p. 2366. ^G Hottot. de Feud. Disp. cap. 38. col. 886.

^H Lib. Feud. lib. 5. tit. 4. lib. 4. tit. 21. 39. ^I Lib. Feud. lib. 1. tit. 21.

he himself held it ^K, he lost all right to it. The adher-
ing to his lord's enemies ^L, deserting him in war ^M, be-
traying his secrets ^N, debauching his wife or his nearer re-
lations ^O, or even using indecent liberties with them ^P,
might be punished by forfeiture. The higher crimes,
rapes, robbery, murder, burning houses, &c. were called
felony; and being interpreted want of fidelity to his lord,
made him lose his fief ^Q. Even where the felon was vas-
sal to a baron, though his immediate lord enjoyed the for-
feiture, the king might retain possession of his estate dur-
ing a year, and had the right of spoiling and destroying it,
unless the baron paid him a reasonable composition ^R. We
have not here enumerated all the species of felonies, or of
crimes by which forfeiture was incurred: We have said
enough to prove, that the possession of feudal property
was antiently somewhat precarious, and that the primary
idea was never entirely lost, of its being a kind of *fee*
or *benefice*.

WHEN a baron died, the king immediately took posses-
sion of the estate; and the heir, before he recovered his
right, was obliged to make application to the crown, to
desire that he might be admitted to do homage for his land,
and to pay a composition to the king. This composition
was not at first fixed by law, at least by practice: The
king was often very exorbitant in his demands, and kept
possession of the land till they were complied with.

IF the heir was a minor, the king retained the whole
profit of the estate till his majority; and might grant
what sum he thought proper for the education and mainte-
nance of the young baron. This practice was also found-
ed on the notion, that a fief was a benefice, and that,
while the heir could not perform his military services, the
revenue devolved to the superior, who employed another
in his place. It is obvious, that a great proportion of the
landed property must, by means of this device, be conti-
nually in the hands of the prince, and that all the noble
families were thereby held in continual dependence.
When the king granted the wardship of a rich heir to any
one,

^K Lib. Feud. lib. 4. tit. 44:

^L Id. lib. 3. tit. 1.

^M Id. lib. 4. tit. 14, 21.

^N Id. lib. 4. tit. 14.

^O Id.

lib. 1. tit. 14, 21.

^P Id. lib. 1. tit. 1.

^Q Spelm. Gloss.

in verb. *Felonia*:

^R Spelm. Gloss. in verb. *Felonia*. Glan-

ville, lib. 7. cap. 17.

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one, he had the opportunity of enriching a favourite or minister : If he sold it, he was thereby able to levy a considerable sum of money. Simon de Mountfort paid Henry III. 10,000 marks, an immense sum in those days, for the wardship of Gilbert de Umfreville^s.

If the heir was a female, the king was entitled to offer her any husband of her rank he thought proper ; and if she refused him, she forfeited her land. Even a male heir could not marry without the royal consent, and it was usual for men to pay large sums for the liberty of making their own choice in marriage^t. No man could dispose of his land, either by sale or will, without the consent of his superior. The possessor was never considered as full proprietor : He was still a kind of beneficiary ; and could not oblige his superior to accept of any vassal, who was not agreeable to him.

FINES, amerciaments, and oblatas, as they were called, were another considerable branch of the royal power and revenue. The antient records of the Exchequer, which are still preserved, give surprizing Accounts of the numerous fines and amerciaments levied in those days^v, and of the strange inventions fallen upon to exact money from the subject. It appears, that the old kings of England put themselves entirely on the footing of the barbarous eastern princes, whom no man must approach without a present, who sell all their good offices, and who intrude themselves into every business, that they may have a pretence of extorting money. Even justice was avowedly bought and sold ; the king's court itself, though the supreme judicature of the kingdom, was open to none that brought not large presents to the king ; the bribes given for the expedition, delay^x, suspension, and, doubtless, for the perversion of justice, were entered in the public registers of the royal revenue, and remain as monuments of the perpetual iniquity and tyranny of the times. The barons of the exchequer, for instance, the first nobility of the kingdom, were not ashamed to insert, as an article in their records, that the county of Norfolk paid a sum, that they might be fairly dealt with^y ; the borough of Yarmouth, that the king's charters, which they have for

^s Madox's Hist. of the Exch. p. 223.
^v Id. p. 272.

^x Id. p. 274, 309.

^t Id. p. 320.
^y Id. p. 295.

for their liberties, might not be violated^z; Richard, son of Gilbert, for the king's helping him to recover his debt from the Jews^a; Serlo, son of Terlavaston, that he might be permitted to make his defence, in case he was accused of a certain homicide^b; Walter de Burton for free law, if accused of wounding another^c; Robert de Effart, for having an inquest to find whether Roger, the butcher, and Wace and Humphrey accused him of robbery and theft out of envy and ill-will, or not^d; William Buhust for having an inquest to find whether he was accused of the death of one Godwin out of ill-will or for just cause^e. I have selected these few instances from a great number of a like kind, which Madox had selected from a still greater number, preserved in the antient rolls of the Exchequer^f.

SOMETIMES the party litigant proffered the king a certain portion, a half, a third, a fourth, payable out of the debts, which he, as the executor of justice, should assist him in recovering^g. Theophania de Westland agreed to pay the half of 212 marks, that she might recover that sum against James de Fughleston^h; Solomon the Jew engaged to pay one mark out of every seven that he should recover against Hugh de la Hoseⁱ; Nicholas Morrel promised to pay sixty pound, that the earl of Flanders might be distrained to pay him 343 pound, which the earl had taken from him; and this sixty pound was to be paid out of the first money that Nicholas should recover of the earl^k.

THE king, as he assumed the entire power over trade, was to be paid for a permission to exercise commerce or industry of any kind^l. Hugh Oisel paid 400 marks for liberty to trade in England^m; Nigel de Havene gave fifty marks for the partnership in merchandize which he had with Gervase de Hantonⁿ; The men of Worcester paid 100 shillings, that they might have the liberty of selling and buying dyed cloth, as formerly^o; Several other towns paid for a like liberty^p. The commerce indeed of the

^z Id. *ibid.* ^a Id. p. 269. He paid 200 marks, a great sum in those days. ^b Madox's Hist. of Exch. p. 296.

^c Id. *ibid.* ^d Id. p. 298. ^e Id. p. 302. ^f Chap.

xii. ^g Id. p. 311. ^h Id. *ibid.* ⁱ Id. p. 79, 312.

^k Id. p. 312. ^l Id. p. 323. ^m Id. *ibid.* ⁿ Id.

p. 323. ^o Id. p. 324. ^p Id. *ibid.*

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the kingdom was so much given up to the king, that he erected guilds, corporations, and monopolies, where-ever he pleased: and levied sums for these exclusive privileges ^Q.

THERE were no profits so small as to be below the king's attention. Henry, son of Arthur, gave ten dogs, to have a recognition against the countess of Copland for one knight's fee ^R. Roger, son of Nicholas, gave twenty lampreys and twenty shads for an inquest to find, whether Gilbert, son of Alured, gave to Roger 200 muttons to obtain his confirmation for certain lands, or whether Roger took them from him by violence ^S: Geoffrey Fitz-Bierré, the chief justiciary, gave two good Norway hawks, that Walter le Madime might have leave to export an hundred weight of cheese out of the king's dominions ^T.

It is amusing to remark the strange business in which the king sometimes interfered, and never without a present: The wife of Hugh de Neville gave the king 200 hens, that she might lie with her husband one night ^U; and she brought with her two sureties, who answered each for an hundred hens. It is probable that her husband was a prisoner, which debarred her having access to him. The abbot of Rucford paid ten marks, for leave to erect houses and place men upon his land near Welham, in order to secure his wood there from being stolen ^W; Hugh, archdeacon of Wells, gave one tun of wine for leave to carry 600 fums of corn whither he would ^X: Peter de Perariis gave twenty marks for leave to salt fishes, as Peter Chevalier used to do ^Y.

THE king's protection and good offices of every kind were bought and sold. Robert Grisset paid twenty marks of silver, that the king would help him against the earl of Montaigne in a certain plea ^Z: Robert de Cundet gave thirty marks of silver, that the king would bring him to an accord with the bishop of Lincoln ^A; Ralph de Breckham gave a hawk, that the king would protect him ^B; and this is a very frequent reason for payments: John, son of Ordgar, gave a Norway hawk, to have the king's request to the king of Norway to let him have his brother Godard's chattels ^C: Richard de Neville gave twenty pal-freys

^Q Id. p. 232, 233, &c.

^R Id. p. 298.

^S Id. p. 305.

^T Id. p. 325.

^U Id. p. 326.

^W Id. ibid.

^X Id.

^Y p. 320.

^Z Id. p. 326.

^A Id. p. 329.

^B Id. p. 330.

^C Id. p. 332.

^D Id. ibid.

freys to obtain the king's request to Ifolda Biset, that she should take him for a husband ^D: Roger Fitz-Walter gave three good palfreys to have the king's letter to Roger Bertram's mother, that she should marry him ^E: Eling, the dean, paid 100 marks, that his whore and his children might be let out upon bail ^F: The bishop of Winchester gave one tun of good wine for his not putting the king in mind to give a girdle to the countess of Albe-marle ^G: Robert de Veaux gave five of the best palfreys, that the king would hold his tongue about Henry Pinel's wife ^H. There are in the records of exchequer many other singular instances of a like nature ^I. It will however be

^D Id. p. 333. ^E Id. ibid. ^F Id. p. 342. *Pro habenda amica sua & filiis, &c.* ^G Id. p. 352. ^H Id. ibid. *Ut Rex taceret de uxore Henrici Pinel.*

^I We gratify the reader's curiosity by subjoining a few more instances from *Madox*, p. 332. Hugh Oisfel was to give the king two robes of a good green colour, to have the king's letters patent to the merchants of Flanders with a request to render him 1000 marks, which he lost in Flanders. The abbot of Hyde paid thirty marks, to have the king's letters of request to the archbishop of Canterbury, to remove certain monks that were against the abbot. Roger de Trihanton paid twenty marks and a palfrey, to have the king's request to Richard de Umfreville to give him his sister to wife, and to the sister that she would accept of him for a husband: William de Cheveringworth paid five marks, to have the king's letter to the abbot of Persfore, to let him enjoy peaceably his tythes as formerly: Matthew de Hereford, clerk, paid ten marks for a letter of request to the bishop of Landaff, to let him enjoy peaceably his church of Schenfrith: Andrew Neulun gave three Flemish caps, for the king's request to the prior of Chikesand, for performance of an agreement made between them: Henry de Fontibus gave a Lombardy horse of value, to have the king's request to Henry Fitz-Hervey, that he would give him his daughter to wife: Roger, son of Nicholas, promised all the lampreys he could get, to have the king's request to earl William Marshal, that he would grant him the manor of Lange-ford at Fern. The burgesses of Gloucester promised 300 lampreys, that they might not be distrained to find the prisoners of Poitou with necessaries, unless they pleased. Id. p. 352. Jordan, son of Reginald, paid twenty marks to have the king's request to William Pamel, that he would grant him the land of Mill Nierenuit, and the custody of his heirs; and if Jordan obtained the same, he was to pay the twenty marks, otherwise not. Id. p. 333.

Appendix

II.

be just to remark, that the same ridiculous practices and dangerous abuses prevailed in Normandy, and probably in all the other states of Europe^K. England was not in this respect more barbarous than its neighbours.

THESE iniquitous practices of the Norman kings were so well known, that on the death of Hugh Rigod, in the reign of Henry II. the best and most just of these princes, the eldest son and the widow of this nobleman came to court, and strove, by proffering large presents to the king, each of them to acquire possession of that rich inheritance. The king was so equitable as to order the cause to be tried by the great council; but in the mean time, he seized all the money and treasures of the deceased^L. Peter of Blois, a judicious, and even an elegant writer for that age, gives a pathetic description of the venality of justice and the oppressions of the poor, under the reign of Henry: And he scruples not to complain to the king himself of these abuses^M. We may judge what the case would be under the government of worse princes. The articles of enquiry concerning the conduct of sheriffs, which Henry promulgated in 1170, shew the great power as well as licentiousness of these officers^N.

AMERCIAMENTS or fines for crimes and trespasses were another considerable branch of the royal revenues^O. Most crimes were atoned for by money; the fines imposed were not limited by any rule or statute; and frequently occasioned the total ruin of the person, even for the slightest trespasses. The forest laws, particularly, were a great source of oppression. The king possessed sixty-eight forests, thirteen chaces, and seven hundred and eighty-one parks, in different parts of England^P; and considering the extreme passion of the English and Normans for hunting, these were so many snares laid for the people, by which they were allured into trespasses, and brought within the reach of arbitrary and rigorous laws, which the king had thought proper by his own authority to enact.

BUT the most barefaced acts of tyranny and oppression were those practised against the Jews, who were entirely out of the protection of law, were extremely odious to the
bigotry

^K Madox's Hist. of Exch. p. 359.

180, 181.

^L Bened. Abb. p.

24, p. 2014.

^M Petri Bles. Epist. 95. apud Bibl. Patrum, tom.

^O Madox, chap. xiv.

^N Hoveden, Chron. Gerv. p. 1410.

^P Spelm. Gloss. in verbo *Foresta*.

bigotry of the people, and were abandoned to the immeasurable rapacity of the king and his ministers. Besides many other indignities, to which they were continually exposed, it appears, that they were once all thrown into prison, and the sum of 66,000 marks exacted for their liberty ^Q: At another time, Isaac the Jew paid alone 5100 marks^R; Brun, 3000 marks^S; Jurnet, 2000; Bennet, 500: At another, Licorica, widow of David, the Jew of Oxford, was required to pay 6000 marks; and she was delivered over to six of the richest and discreetest Jews of England, who were to answer for the sum^T. Henry III. borrowed 5000 marks of the earl of Cornwall; and for his payment assigned him over all the Jews of England^U. The revenue arising from exactions upon this nation was so considerable, that there was a particular court of Exchequer set apart for managing it^X.

Appendix
II.

We may judge of the low state of commerce among the English, when the Jews, notwithstanding all their oppressions, could still find their account in trading among them, and lending them money. And as the improvements of agriculture were also much checked, both by the immense possessions of the nobility, and by the precarious state of feudal property; it appears, that industry of no kind could then have place in the kingdom^Y.

It is asserted by Sir Harry Spelman^Z, as an undoubted truth, that, during the reigns of the first Norman princes, every edict of the king, issued with the consent of his privy-council, had the full force of law. But the barons surely were not so passive as to entrust a power, entirely arbitrary and despotic, into the hands of the sovereign. It

^Q Madox Hist. of the Exch. p. 151. This happened in the reign of king John. ^R Madox's Hist. of the Exch. p. 151.

^S Id. p. 153. ^T Id. p. 168. ^U Id. p. 156. ^X Id. chap. vii.

^Y We learn from the extracts given us of Domesday by Brady in his Treatise of boroughs, that almost all the boroughs of England had suffered in the shock of the conquest, and had decayed extremely between the death of the Confessor, and the time when Domesday was framed.

^Z Gloss. in verb. *judicium Dei*. The author of the *Mirror des justices*, complains, that ordinances are only made by the king and his clerks, and by aliens and others, who dare not contradict the king, but study to please him. Whence, he concludes, laws are oftner dictated by will than founded on right.

Appendix

II.

It, only appears, that the constitution had not fixed any precise boundaries to the royal power; that the right of issuing proclamations on any emergence, and of exacting obedience to them, a right which was always supposed inherent in the crown, is very difficult to be distinguished from a legislative authority; that the extreme imperfection of the antient laws, and the sudden exigencies, which often occurred in such turbulent governments, obliged the prince to exert frequently the latent powers of his prerogative; that he naturally proceeded, from the acquiescence of the people, to assume, in many particulars of moment, an authority, from which he had excluded himself by express statutes, charters or concessions, and which was, in the main, repugnant to the general genius of the constitution; and that the lives, the personal liberty, and the properties of all his subjects were less secured by law against the exertion of his arbitrary authority, than by the independent power and private connexions of each individual. It appears from the great charter itself, that not only John, a tyrannical prince, and Richard, a violent one, but their father, Henry, under whose reign the prevalence of gross abuses is the least to be suspected, was accustomed, from his sole authority, without process of law, to imprison, banish and attain the freemen of his kingdom.

A GREAT baron, in antient times, considered himself as a kind of sovereign within his territory; and was attended with courtiers and dependents more zealously attached to him than the ministers of state and the great officers were commonly to *their* sovereign. He often maintained in his court the parade of royalty, by establishing a justiciary, constable, marshal, chamberlain, seneschal, and chancellor, and assigning to each of these officers a separate province and command. He was usually very assiduous in exercising his jurisdiction; and took such delight in that image of sovereignty, that it was found necessary to restrain his activity, and prohibit him by law from holding courts too frequently ^A. It is not to be doubted, that the example, set him by the prince, of a mercenary and sordid extortion, would be faithfully copied; and that all his good and bad offices, his justice and injustice, were equally put to sale. He had the power,

^A Dugd. Jurid. Orig. p. 26.

er, with the king's consent, to exact talliages even from the free-citizens, who lived within his barony; and as his necessities made him rapacious, his authority was usually found to be more oppressive and tyrannical than that of the sovereign^B. He was ever engaged in hereditary or personal animosities or confederacies with his neighbours, and often gave protection to all desperate adventurers and criminals, who could be useful in serving his violent purposes. He was able alone, in times of tranquillity, to obstruct the execution of justice within his territories; and by combining with a few malcontent barons of high rank and power, he could throw the whole state into convulsions. And on the whole, though the royal authority was confined within bounds, and often within very narrow ones, yet the check was irregular, and frequently the source of great disorders; and it was not derived from the liberty of the people, but from the military power of many petty tyrants, who were equally dangerous to the prince and oppressive to the subject.

THE power of the church was another rampart against the royal authority; but this defence was also the cause of many mischiefs and inconveniencies. The dignified clergy, perhaps, were not so prone to immediate violence as the barons; but as they pretended to a total independence on the state, and could always cover themselves with the appearances of religion, they proved, in one respect, an obstruction to the settlement of the kingdom, and to the regular execution of the laws. The policy of the conqueror was in this particular liable to some exception. He augmented the superstitious veneration for Rome, to which that age was so much inclined; and he broke those bands of connexion, which, in the Saxon times, had preserved an union between the lay and the clerical orders. He prohibited the bishops to sit in the county-courts; he allowed ecclesiastical causes to be tried only in spiritual courts^C; and he so much exalted the power of the clergy, that of 60,215 knights fees, into which he divided England, he placed no less than 28,015 under the church^D.

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^B Madox Hist. of Exch. p. 520. ^C Char. Will. apud Wilkins, p. 230. Spel. Conc. vol. ii. p. 14.

^D Spel. Gloss. in verb. *manus mortua*. We are not to imagine, as some have done, that the church possessed lands in this proportion, but only that they and their vassals enjoyed such a proportionable part of the landed property.

Appendix
II.

Civil laws.

Manners.

THE right of primogeniture came in with the feudal law: A practice, which is hurtful by producing and maintaining an unequal division of private property; but is advantageous, in another respect, by accustoming the people to a preference in favour of the eldest son, and thereby preventing a partition or disputed succession in the monarchy. The Normans introduced the use of surnames, which tend to preserve the knowledge of families and pedigrees; as do also, the distinction of coats of arms, which came in vogue about the time of king Richard. They abolished none of the old absurd methods of trial, by the cross or ordeal; and they added a new absurdity, the trial by single combat^E, which became a regular part of jurisprudence, and was conducted with all the order, method, devotion and solemnity imaginable^F. The ideas of chivalry also seem to have been imported by the Normans: No traces of these fantastic notions are to be found among the plain and rustic Saxons: The feudal institutions, by raising a set of men to a kind of sovereign dignity, rendering personal strength and valour so requisite, and making every knight and baron his own protector and avenger, begot that military pride and sense of honour, which, being cultivated and embellished by the poets and romance-writers of the age, ended in chivalry. The virtuous knight fought not only in his own quarrel; but in that of the innocent, the helpless, and above all, of the fair, whom he supposed to be for ever under the guardianship of his valiant arm. The uncourteous knight, who, from his castle, exercised robbery on travellers, and committed violence on virgins, was the object of his perpetual indignation; and he put him to death, without scruple or trial or appeal, wherever he met with him. The great independence of men made personal honour and fidelity the chief tie among them; and rendered it the capital virtue of every true knight, or genuine professor of chivalry. The solemnities of single combat, as established by law, banished the notion of every thing unfair or unequal in rencounters; and maintained an appearance of courtesy between the combatants, till the moment of their engagement. The credulity of the age grafted on this stock the notion

^E LL. Will. cap. 68.

^F Spol. Gloss. in verb. *campus*. The last instance of these duels was in the 15th of Eliz. So long did that absurdity remain.

notion of giants, enchanters, dragons, spells^G, and a thousand wonders which still multiplied during the times of the crusades; when men, returning from so great a distance, used the liberty of imposing every fiction on their believing audience. These ideas of chivalry infected the writings, conversation, and behaviour of men, during some ages; and even after they were, in a great degree, banished by the revival of learning, they left modern *gallantry* and the *point of honour*, which still maintain their influence, and are the genuine offspring of those antient affectations.

THE concession of the great charter, or rather its full establishment (for there was a considerable interval between the one and the other) gave rise, by degrees, to a new species of government, and introduced some order and justice into the administration. The ensuing scenes of our history are therefore somewhat different from the preceding. Yet the great charter contained no establishment of new courts, magistrates, or senates, nor abolition of the old. It introduced no new distribution of the powers of the commonwealth, and no innovation in the political or public law of the kingdom. It only guarded, and that merely by verbal clauses, against such tyrannical practices as are incompatible with civilized government, and, if they become very frequent, are incompatible with all government. The barbarous licence of the kings, and perhaps of the nobles, was thenceforth somewhat more restrained: Men acquired some more security for their properties and their liberties: And government approached a little nearer to that end, for which it was originally instituted, the distribution of justice, and the equal protection of the citizens. Acts of violence and iniquity in the crown, which before were only deemed injuries to individuals, and were hazardous chiefly in proportion to the number, power, and dignity of the persons affected by them, were now regarded, in some degree, as public injuries, and as infringements of a charter, calculated for general security. And thus, the establishment of the Great Charter, without seeming any wise to innovate in the distribution of political power, became a kind of epoch in the constitution.

I 2

CHAP:

^G In all legal single combats, it was part of the champion's oath, that he carried not about him any herb, spell, or enchantment, by which he might procure victory. Dugd. Orig. Jurid. p. 82.

C H A P. XII.

H E N R Y III.

*Settlement of the government—General pacification—
 Death of the protector—Some commotions—Hubert
 de Burgh displaced—The bishop of Winchester minister
 —King's partiality to foreigners—Grievances—
 Ecclesiastical grievances—Earl of Cornwall elected king
 of the Romans—Discontent of the barons—Simon de
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 —Renewal of the civil wars—Battle of Lewes—
 House of Commons—Battle of Evesham and death of
 Leicester—Settlement of the government—Death
 —and character of the king—Miscellaneous tran-
 sactions of this reign.*

C H A P.
XII.

1216.

MOST sciences, in proportion as they encrease and improve, invent methods by which they facilitate their reasonings; and employing general theorems, are enabled to comprehend in a few propositions a great number of inferences and conclusions. History also, being a collection of facts which are multiplying without end, is obliged to adopt such arts of abridgment, to retain the more material events, and to drop all the minute circumstances, which are only interesting during the time, or to the persons engaged in the transactions. This truth is no where more evident than with regard to the reign, upon which we are going to enter. What mortal could have the patience to write or read a long detail of such frivolous events as those with which it is filled, or attend to a tedious narrative which would follow, through a series of sixty-six years, the caprices and weaknesses of so mean a prince as Henry? The chief reason, why protestant writers have been so anxious to spread out the incidents of this reign, is in order to expose the rapacity, ambition, and artifices of the court of Rome, and to prove, that the great dignitaries of the catholic church, while they pretended to have nothing in view but the salvation of souls, had bent all their attention to the acquisition of riches, and were restrained by no sense of justice or honour, in the

the pursuit of that great object^F. But this conclusion would readily be allowed them, though it were not illustrated by such a detail of uninteresting incidents; and follows indeed, by an evident necessity, from the very situation, in which that church was placed with regard to the rest of Europe. For besides that ecclesiastical power, as it can always cover its operations under a cloak of sanctity, and attacks men on the side where they dare not employ their reason, lies less under controul than civil government; besides this general cause, I say, the pope and his courtiers were foreigners to most of the churches which they governed; they could not possibly have any other object but to pillage the provinces for present gain; and as they lived at a distance, they would be little awed by shame or remorse, in practising every lucrative expedient, which was suggested to them. England being one of the most remote provinces, attached to the Romish hierarchy, as well as one of the richest, and the most prone to superstition, felt severely during this reign, while its patience was not yet fully exhausted, the influence of these causes, and we shall often have occasion to touch cursorily upon such incidents. But we shall not attempt to comprehend every transaction transmitted to us; and till the end of the reign, when the events become more memorable, we shall not always observe an exact chronological order in our narration.

THE earl of Pembroke, who, at the time of John's Settlement, was marshal of England, was by his office at the head of the armies, and consequently, during a state of the civil wars and convulsions, at the head of the state; and it happened fortunately for the young monarch, and for the nation, that the power could not have been intrusted into more able and more faithful hands. This nobleman, who had maintained his loyalty unshaken to John, during the lowest fortune of that monarch, determined to support the authority of the infant prince; and he was not dismayed with the number and violence of his enemies. Sensible, that Henry, agreeably to the prejudices of the times, would not be deemed sovereign, till crowned and anointed by a churchman; he immediately carried the young prince to Gloucester, where the ceremony of coronation was performed, in the presence of Gualo, the legate,

vernment.

28th Oct.

gate,

^F M. Paris, p. 623.

CHAP.
XII.

1286

11th Nov.

gate, and a very few noblemen, by the bishops of Winchester and Bath^g. As the concurrence of the papal authority was requisite to support the tottering throne, Henry was obliged to swear fealty to the pope, and renew that homage, to which his father had already subjected the kingdom^h: And in order to enlarge the authority of Pembroke, and give him a more regular and legal title to it, a general council of the barons was soon after summoned at Bristol, where that nobleman was chosen protector of the kingdom.

PEMBROKE, that he might reconcile all men to the government of his pupil, made him grant anew a charter of liberties, which, though mostly copied from the former concessions, extorted from John, contains some alterations, which may be deemed remarkableⁱ. The full privilege of elections in the clergy, granted by the late king, was not confirmed, nor the liberty of going out of the kingdom, without the royal consent: Whence we may conjecture, that Pembroke and the barons, jealous of the ecclesiastical power, both were desirous of renewing the king's claim to issue a *congé d'elire* to the monks and chapters, and thought it requisite to put some check on the frequent appeals to Rome. But what may chiefly surprize us is, that the obligation, to which John had subjected himself, of obtaining the consent of the great council before he levied any aids or scutages upon the nation, was omitted; and this article was even declared hard and severe, and was expressly left to future deliberation. But we must consider, that, though this limitation may perhaps appear to us the most momentous in the whole charter of John, it was not regarded in that light by the antient barons, who were more jealous of particular acts of violence in the crown than of such general impositions, which, unless they were evidently reasonable and necessary, could scarcely, without a general consent, be levied upon men, who had arms in their hands, and who could repel any act of oppression, by which they were all immediately affected. We accordingly find, that Henry, in the course of his reign, while he gave frequent occasions for complaint, with regard to the violations of the great charter,

^g M. Paris, p. 200. Hist. Croyf. Cont. p. 474. W. Hem-
ing. p. 562. Trivet, p. 168. ^h M. Paris, p. 200.
ⁱ Rymer, vol. i. p. 215.

charter, never once attempted, by his mere will, to levy any aids or scutages; though he was often reduced to great necessities, and was refused supply by his people. So much easier was it for him to transgress the law, when individuals alone were affected, than even to exert his acknowledged prerogatives, where the interest of the whole body was concerned.

CHAP.
XII.
1215.

THIS charter was again confirmed by the king in the ensuing year, with the addition of some articles to prevent the oppressions of sheriffs: And also with an additional charter of forests, a circumstance of great moment in those ages, when hunting was so much the occupation of the nobility, and when the king comprehended so considerable a part of the kingdom within his forests, which he governed by peculiar and arbitrary laws. All the forests, which had been enclosed since the reign of Henry the second, were deforested; and new perambulations were appointed for that purpose: Offences in the forests were declared to be no longer capital; but punishable by fines, imprisonments, and more gentle penalties: And all the proprietors of land recovered the power of cutting and using their own wood at their pleasure.

THUS, these famous charters were brought very nearly to the shape, in which they have ever since stood; and they were, during many generations, the darling of the English nation, and esteemed the most sacred rampart to national liberty and independence. As they secured the rights of all orders of men, they were anxiously defended by all, and became the basis, in a manner of the English monarchy, and a kind of original contract, which both limited the authority of the king, and ensured the conditional allegiance of his subjects. Though often violated, they were still claimed and recalled by the nobility and people; and as no precedents were supposed valid, that infringed them, they rather acquired, than lost authority, from the frequent attempts, made against them in several ages, by regal and arbitrary power.

WHILE Pembroke, by renewing and confirming the great charter, gave so much satisfaction and security to the nation in general, he also applied himself successfully to individuals; and wrote letters, in the king's name, to all the malcontent barons; in which he represented to them, that whatever jealousy and animosity they might have entertained against the late king, a young prince, the

lineal

CHAP. lineal heir of their antient monarchs, had now succeeded
XII. to the throne, without succeeding either to the resent-
 ments or principles of his predecessor: That the despe-
 rate expedient, which they had employed, of calling in
 a foreign potentate, had, happily for them as well as for
 the nation, failed of entire success, and it was still in their
 power, by a quick return to their duty, to restore the in-
 dependence of the kingdom, and to secure that liberty, for
 which they so zealously contended: That as all off-
 fences of the barons were now buried in oblivion, they
 ought, on their part, to forget their complaints against
 their late sovereign, who, if he had been any wise blame-
 able in his conduct, had left to his son the salutary warn-
 ing, to avoid the paths, which had led to such fatal ex-
 tremities: And that having now obtained a charter for
 their liberties, it was their interest to shew, by their con-
 duct, that that acquisition was not incompatible with their
 allegiance, and that the rights of king and people, so far
 from being hostile and opposite, might mutually support-
 and sustain each other^B.

THESE considerations, enforced by the character of
 constancy and fidelity, which Pembroke had ever main-
 tained, had a mighty influence on the barons; and most
 of them began secretly to negotiate with him, and many
 of them openly returned to their duty. The diffidence,
 which Lewis discovered of their fidelity, forwarded this
 general propension towards the king; and when the French
 prince refused the government of the castle of Hereford
 to Robert Fitz-Walter, who had been so active against
 the late king, and who claimed that fortress as his right
 and property, they plainly saw, that the English were
 excluded from every trust, and that foreigners had en-
 grossed all the confidence and affection of their new sove-
 reign^C. The excommunication too, denounced by the
 legate, against all Lewis's adherents, failed not, in the
 turn which mens dispositions had taken, to operate a
 mighty effect upon them; and they were easily persuaded
 to consider a cause as impious and profane, for which they
 had already entertained an unfurmountable aversion^D.
 Though Lewis made a journey to France, and brought
 over

^B Rymer, vol. i. p. 215. Brady's App. No. 143. ^C M.
 Paris, p. 200, 202. ^D M. Paris, p. 200. M. West. p.
 277.

over fresh succours from that kingdom^E, he found, on his return, that his party was still more weakened by the desertion of his English confederates, and that the death of John had, contrary to his expectations, given an incurable blow to his cause. The earls of Salisbury, Arundel, and Warenne, together with William Mareschal, eldest son of the protector, had embraced Henry's party; and every English nobleman was plainly watching an opportunity of returning to his allegiance. Pembroke was so much strengthened by these accessions, that he ventured to invest Mount-forel; though, upon the approach of the count de Perche with the French army, he desisted from his enterprize, and raised the siege^F. The count de Perche, elated with this success, marched to Lincoln; and being admitted into the town, he began to attack the castle, which he soon reduced to extremity. The protector summoned all his forces from every quarter in order to relieve a place of such importance; and he appeared so much superior to the French, that they shut themselves up within the city, and resolved to take shelter behind the walls^G. But the garrison of the castle, having received a strong reinforcement, made a vigorous sally upon the besiegers; while the English army, by concert, assaulted them in the same instant from without, mounted the walls by scalade, and bearing down all resistance, entered the city sword in hand. Lincoln was delivered over to be pillaged; the French army was totally routed; the count de Perche, with only two persons more, was killed, but many of the chief commanders and about 400 knights were made prisoners by the English^H. So little blood was shed on this important occasion, which decided the fate of one of the most powerful kingdoms of Europe; and such wretched soldiers were those antient barons, who yet were unacquainted with every thing but arms.

PRINCE Lewis was informed of this fatal event, while employed in the siege of Dover, which was still valiantly defended against him by Hubert de Burgh. He immediately retreated to London, which was the center and life of his party; and he there received intelligence of a new disaster, which put an end to all his hopes. A French fleet

^E Chron. Dunst. vol i. p. 79. M. West. p. 277.

^F M. Paris, p. 1203. ^G Chron. Dunst. vol. i. p. 81.

^H M. Paris, p. 204, 205. Chron. de Mullr. p. 195.

CHAP. XII. fleet bringing over a strong reinforcement; had appeared on the coast of Kent; where they were attacked by the English under the command of Philip D'Albiny, and were routed and repulsed with considerable loss. D'Albiny practised a stratagem against them, which is said to have contributed to the victory: Having gained the wind of the French, he came down upon them with violence; and throwing in their faces a great quantity of quick-lime, which he purposely carried on board, he so blinded them, that they were disabled from defending themselves¹.

1216.

AFTER this second misfortune of the French, the English barons hastened every where to make terms of peace with the protector, and by an early submission, to prevent those forfeitures, to which they were exposed on account of their rebellion. Lewis, whose cause was now totally desperate, began to be anxious for the safety of his person, and was glad, on any honourable conditions, to make his escape from a country, where he found, that every thing was now become hostile to him. He concluded a peace with Pembroke, promised to evacuate the kingdom, and only stipulated in return, an indemnity to his adherents, and a restitution of their honours and fortunes, together with the free and equal enjoyment of those liberties, which had been granted to the rest of the nation². Thus, was happily ended a civil war, which seemed to be founded on the most incurable hatred and jealousy, and had threatened the kingdom with the most fatal consequences.

General
pacifica-
tion.

THE precautions, which the king of France used in the conduct of this whole affair, are remarkable. He pretended, that his son had accepted of the offer from the English barons, without his advice, and contrary to his inclination: The armies sent to England were levied in Lewis's name: When that prince came over to France for aid, his father publicly refused to grant him any assistance, and would not so much as admit him to his presence: Even after Henry's party acquired the ascendant, and Lewis was in danger of falling into the hands of his enemies,

¹ M. Paris, p. 206. Ann. Waverl. p. 183. W. Heming, p. 563. Trivet, p. 169. M. West, p. 277. Knyghton, p. 2428. ² Rymer, vol. i. p. 221. M. Paris, p. 207. Chron. Duast. vol. i. p. 83. M. West p. 278. Knyghton, p. 2429.

enemies, it was Blanche of Castile, his wife, not the king his father, who raised armies and equipped fleets for his succour^L. All these artifices were employed, not to satisfy the pope; for he had too much penetration to be so easily imposed on: Nor yet to deceive the people; for they were too gross even for that purpose: They only served for a colouring to Philip's cause; and in public affairs, men are often better pleased, that the truth, though known to every body, should be wrapt up under a decent cover, than if it were exposed in open day-light to the eyes of all the world.

AFTER the expulsion of the French, the prudence and equity of the protector's subsequent conduct, contributed to cure entirely those wounds, which had been made by intestine discord. He received the rebellious barons into favour; observed strictly the terms of peace, which he had granted them; restored them to their possessions; and endeavoured, by an equal behaviour, to bury all past animosities in perpetual oblivion. The clergy alone, who had adhered to Lewis, were sufferers in this revolution. As they had rebelled against their spiritual sovereign, by disregarding the interdict and excommunication, it was not in Pembroke's power to make any stipulations in their favour; and Gualo, the legate, prepared to take vengeance on them for their disobedience^M. Many of them were deposed; many suspended; some banished; and all who escaped punishment, made atonement for their offence, by paying large sums to the legate, who amassed an immense treasure by this expedient.

THE earl of Pembroke survived not long the pacification which had been chiefly owing to his wisdom and valour^N; and he was succeeded in the government by Peter des Roches, bishop of Winchester, and Hubert de Burgh, high justiciary. The councils of the latter were chiefly followed; and had he possessed equal authority in the kingdom with Pembroke, he seemed to be every way worthy of filling the place of that virtuous citizen. But the licentious and powerful barons, who had once broken the reigns of subjection to their prince, and had obtained some by violence an enlargement of their liberties and independence,

^L M. Paris, p. 256. Chron. Dunst. vol. i. p. 82.

^M Brady's App. No. 144. Chron. Dunst. vol. i. p. 83.

^N M. Paris, p. 210.

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dence, could ill be restrained by laws under a minority; and the people, no less than the king, suffered from their outrages and disorders. They retained by force the royal castles, which they had usurped during the past convulsions, or which had been committed to their custody by the protector^o: They usurped the demesnes^p: They oppressed their vassals: They infested their weaker neighbours: They invited all disorderly people to enter in their retinue, and to live upon their lands: And they gave them protection in all their robberies and extortions.

No one was more infamous for these violent and illegal practices than the earl of Albemarle, who, though he had early returned to his duty, and had been very serviceable in expelling the French, augmented to the utmost the general licence, and committed outrages in all the counties of the North. In order to suppress his disorders, Hubert seized an opportunity of getting possession of Rockingham castle, which Albemarle had garrisoned with his licentious retinue: But this nobleman, instead of submitting, entered into a secret confederacy with Fawkes de Breauté, Peter de Mauleon, and other barons, and both fortified the castle of Biham for his defence, and made himself master by surprize of that of Fotheringay. Pandulf, who was restored to his legateship in the place of Gualo, was active in suppressing this rebellion; and with the concurrence of eleven bishops, he denounced the sentence of excommunication against Albemarle and his adherents^q: An army was levied: A scutage of ten shillings a knight's fee was imposed on all the military tenants: Albemarle's associates gradually deserted him: And he himself was at last obliged to sue for mercy. He received a pardon, and was restored to his whole estate.

THIS impolitic lenity, too frequent in those times, was probably the result of a combination among the barons, who could never endure to see the total ruin of one of their own order: But it encouraged Fawkes de Breauté, a man whom king John had raised from a low origin, to persevere in the course of violence, to which he had owed his fortune, and to set at nought all law and justice. When thirty-five verdicts were at one time found against him, on account of his violent expulsion of so many freeholders from

^o Trivet, p. 174.^p Rymer, vol. i. p. 276.^q Chron. Dunst. vol. i. p. 102.

from their possessions; he came to the court of justice with an armed force, seized the judge who had pronounced the sentences, and imprisoned him in Bedford castle. He then levied open war against the king, but being subdued and taken prisoner, his life was granted him; but his estate was confiscated, and he was banished the kingdom^R.

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JUSTICE was executed with greater severity against disorders less premeditated, which broke out in London. A frivolous emulation in a match of wrestling, between the Londoners on the one hand, and the inhabitants of Westminster, and those of the neighbouring villages on the other, occasioned this commotion. The former rose in a body, and pulled down some houses belonging to the abbot of Westminster: But this riot, which, considering the tumultuous disposition familiar to that capital, would have been little regarded, seemed to become more serious, by the symptoms, which then appeared of the former attachment of the citizens to the French interest. The populace, in the tumult, made use of the cry of war commonly employed by the French troops; *Mountjoy, mountjoy, God help us and our lord Lewis*. The justiciary made enquiry into the disorder; and finding one Constantine Fitz-Arnulf to have been the ringleader, an insolent man, who justified his crime in Hubert's presence, he proceeded against him by martial law, and ordered him immediately to be hanged, without trial or form of process. He also cut off the feet of some of Constantine's accomplices^S.

THIS act of power was complained of as an infringement of the great charter: Yet the justiciary, in a parliament, summoned at Oxford (for the great councils about this time began to receive that appellation) made no scruple to grant in the king's name a renewal and confirmation of that charter. When the assembly made application to the crown for this favour; as a law in those times seemed to lose its validity, if not frequently renewed; William de Briewere, one of the council of regency, was so bold as to say openly, that these liberties were extorted by force, and

^R Rymer, vol. i. p. 198. M. Paris, p. 221, 224. Ann. Waverl. p. 188. Chron. Dunst. vol. i. p. 141, 146. M. West. p. 283. ^S M. Paris, p. 217, 218, 259. Ann. Waverl. p. 187. Chron. Dunst. vol. i. p. 129.

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and ought not to be observed: But he was reprimanded by the archbishop of Canterbury, and was not countenanced by the king or his chief ministers^T. A new confirmation was demanded and granted two years after; and an aid, amounting to a fifteenth of all moveables, was given by the parliament, in return for this indulgence^U. The king issued writs anew to the sheriffs, commanding the observance of the charter; but he inserted a remarkable clause in the writs, that those who paid not the fifteenth, should not for the future be entitled to the benefit of those liberties^W.

THE low state, into which the crown was now fallen, made it requisite for a good minister to be attentive to the preservation of the royal prerogatives, as well as to the security of public liberty. Hubert applied to the pope, who had always great authority in the kingdom, and was now considered as its superior lord; and desired him to issue a bull, declaring the king to be of full age, and entitled to exercise in person all the acts of royalty^X. In consequence of this declaration, the justiciary resigned into Henry's hands the two important fortresses of the Tower and Dover castle, which had been entrusted to his custody; and he required the other barons to imitate his example. They refused compliance: The earls of Chester and Albemarle, John constable of Chester, John de Lacy, Brian de l'Isle, and William de Cantel, with some others; even formed a conspiracy to surprize London, and met in arms at Waltham with that intention: But finding the king prepared for defence, they desisted from their enterprize. When summoned to court, in order to answer for their conduct, they scrupled not to appear, and to confess their design: But they told the king, that they had no bad intentions against his person, but only against Hubert de Burgh, whom they were determined to remove from his office^Y. They appeared too formidable to be chastised; and they were so little discouraged by the failure of their first enterprize, that they met again in arms at Leicester, in order to seize the king, who then resided at Northampton:

^T M. West. p. 282. ^U M. Paris, p. 223. *Ann. T. Wykes*, p. 40. *Chron. Dunst.* vol. i. p. 151. *M. West.* p. 284. *Knyghton*, p. 2430. ^W *Clauf.* 9. H. 3. m. 9. and m. 6. d. ^X *M. Paris*, p. 220. ^Y *Chron. Dunst.* vol. i. p. 13.

ten: But Henry, informed of their purpose, took care to be so well armed and attended, that the barons found it dangerous to make the attempt; and they sat down and kept their Christmas in his neighbourhood². The archbishop and the prelates, finding every thing tend towards a civil war, interposed with their authority, and threatened the barons with the sentence of excommunication, if they persisted in detaining the king's castles. This menace at last prevailed: Most of the fortresses were surrendered; though the barons complained, that Hubert's castles were soon after restored to him, while the king still kept theirs in his own custody. There are said to have been 1115 castles at that time in England^A.

It must be acknowledged, that the influence of the prelates and the clergy was often of very great service to the public. Though the religion of that age can merit no better name than that of superstition, it served to unite together a body of men who had great sway over the people, and who kept the community from falling to pieces, from the factions and independent power of the nobles. And what was of great consequence, it threw a mighty authority into the hands of men, who by their profession were averse to arms and violence; who tempered by their mediation the general disposition towards military enterprises; and who still maintained, even amidst the shock of arms, those secret links, without which it is impossible for human society to subsist.

NOTWITHSTANDING these intestine commotions in England, and the precarious authority of the crown, Henry was obliged to carry on war in France, and he employed to that purpose the fifteenth which had been granted him by parliament. Lewis the eighth, who had succeeded to his father, Philip, instead of complying with Henry's claim, who demanded the restitution of Normandy and the other provinces, wrested from England, made an irruption into Poictou, took Rochelle^B after a long siege, and seemed determined to expel the English from the few provinces, which yet remained to them. Henry sent over his uncle, and the earl of Salisbury; together with his brother prince Richard, to whom he had granted

² M. Paris, p. 221. Chron. Dunst. vol. i. p. 138.

^A Coke's Comment. on Mag. Charta, chap. 17.

^B Rymer, vol. i. p. 269. Trivet, p. 179.

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granted the earldom of Cornwall, which had escheated to the crown. Salisbury stopped the progress of Lewis's arms, and retained the Poitevin and Gascon vassals in their allegiance: But no military action of any moment was performed on either side. The earl of Cornwall, after two years stay in Guienne, returned to England.

1227.

THIS prince was no ways turbulent or factious in his disposition: His ruling passion was to amass money, in which he succeeded so well as to become the richest prince in Christendom: Yet his attention to gain sometimes threw him into acts of violence, and gave disturbance to the government. There was a manor, which formerly had belonged to the earldom of Cornwall, but had been given away to Waleran de Ties, before Richard had been invested with that dignity, and while the earldom remained in the hands of the crown. Richard claimed this manor, and expelled the proprietor by force: Waleran complained: The king ordered his brother to do justice to the man, and restore him to his rights: The earl said, that he would not submit to these orders, till the cause was decided against him by the judgment of his peers: Henry replied, that it was first necessary to re-instate Waleran in possession, before the cause could be tried: and he re-iterated his orders to the earl^B. We may judge of the state of the government, when this affair had nearly produced a civil war. The earl of Cornwall, finding Henry peremptory in his demands, associated himself with the young earl of Pembroke, who had married his sister, and who was displeased on account of the king's requiring him to deliver up some royal castles which were in his custody. These two malcontents took into their confederacy the earls of Chester, Warenne, Gloucester, Hereford, Warwick, and Ferrers, who were all disgusted on a like account^C. They assembled an army, which the king had not the power or courage to resist; and he was obliged to give his brother satisfaction, by grants of much greater importance than the manor, which had been the first ground of the quarrel^D.

THE character of the king, as he grew to man's estate, became every day better known; and he was found in every circumstance totally unqualified for maintaining a proper sway among those turbulent barons, whom the feudal

^B M. Paris, p. 233.^C Ibid.^D Ibid.

feudal constitution subjected to his authority. Gentle, humane, and merciful even to a fault, he seems to have been steady in no other circumstance of his character; but to have received every impression from those who surrounded him, and whom he loved, for the time, with the most imprudent and most unreserved affection. Without activity or vigour, he was unfit to conduct war; without policy or art, he was ill fitted to maintain peace: His resentments, though hasty and violent, were not dreaded, while he was found to drop them with such facility; his friendships were little valued, because they were neither derived from choice, nor maintained with constancy. A proper pageant of state in a regular monarchy, where his ministers could have conducted all affairs in his name and by his authority; but too feeble in those disorderly times to sway a scepter, whose weight depended entirely on the firmness and dexterity of the hand, which held it.

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THE ablest and most virtuous minister, whom Henry Hubert ever possessed, was Hubert de Burgh^B; a man who had been steady to the crown in the most difficult and dangerous times, and who yet shewed no disposition, in the height of his power, to enslave or oppress the people. The only exceptionable part of his conduct is that which is mentioned by Matthew Paris^F, if the fact is really true, and proceeded from Hubert's advice, namely, the recalling publicly and annulling the charter of forests, a concession so reasonable in itself, and so passionately claimed both by the nobility and people: But it must be confessed, that this measure is so unlikely, both from the circumstances of the times and character of the minister, that there is great reason to doubt of its reality, especially as it is mentioned by no other historian. Hubert, while he enjoyed his authority, had an entire ascendant over Henry, and was loaded with honours and favours beyond any other subject. Besides acquiring the property of many castles and manors, he married the eldest sister of the king of Scots, was created earl of Kent, and by an unusual concession, was made chief justiciary of England for life: Yet Henry, in a sudden caprice, threw off this faithful minister, and exposed him to the violent persecutions of his enemies. Among other frivolous crimes objected to

V O L. II.

K

him,

1234

^B Ypod. Neustria, p. 464. ^F P. 232. M. West. p. 216. ascribes this counsel to Peter Bishop of Winchester.

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1231.

him, he was accused of gaining the king's affections by enchantment, and of purloining from the royal treasury a gem, which had the virtue to render the wearer invulnerable, and of sending this valuable curiosity to the prince of Wales^G. The nobility, who hated Hubert on account of his zeal in resuming the rights and possessions of the crown, no sooner saw the opening, than they inflamed the king's animosity against him, and pushed him to seek the total ruin of his minister. Hubert took sanctuary in a church: The king ordered him to be dragged from thence: He recalled those orders: He afterwards renewed them: He was obliged by the clergy to restore him to the sanctuary: He constrained him soon after to surrender himself prisoner, and he confined him to the castle of the Devises. Hubert made his escape, was expelled the kingdom, was again received into favour, recovered a great share of the king's confidence, but never shewed any inclination to reinstate himself in his power and authority^H.

Bishop of
Winchester
minister.

THE man, who succeeded him in the government of the king and kingdom, was Peter, bishop of Winchester, a Poitevin by birth, who had been raised by the late king, and who was no less distinguished by his arbitrary principles and violent conduct, than by his courage and abilities. This prelate had been left by king John justiciary and regent of the kingdom during an expedition which that prince made into France; and his illegal administration was one chief cause of that great combination among the barons, which finally extorted from the crown the charter of liberties, and laid the foundations of the English constitution. Henry, though incapable, from his character, of pursuing the same violent maxims, which had governed his father, had imbibed the same arbitrary principles; and in prosecution of Peter's advice, he invited over a great number of Poitevins and other foreigners, who, he believed, could more safely be trusted than the English, and who seemed requisite to counterbalance the great and independent power of the nobility^I. Every office and command was bestowed on these strangers; their rapacity exhausted the revenues of the crown, already too much im-

^G M. Paris, p. 259. ^H M. Paris, p. 259, 260, 261, 266. Chron. T. Wykes, p. 41, 42. Chron. Dunst. vol. 1. p. 220, 221. M. West. p. 291, 301. ^I M. Paris, p. 263.

impoverished^K; they invaded the rights of the people; and their insolence, still more provoking than their power, drew on them the hatred and envy of all orders of men in the kingdom^L. CHAP.
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THE barons formed a combination against this odious ministry, and withdrew from parliament; on pretence of the danger, to which they were exposed from the machinations of the Poitevins. When again summoned to attend, they gave for answer, that the king should dismiss his foreigners from court: Otherwise they would drive both him and them out of the kingdom, and put the crown on another head, more worthy of wearing it^M: Such was the style, which they used to their sovereign! They at last came to parliament, but so well attended with armed followers, that they seemed in a condition to prescribe laws to the king and ministry. Peter des Roches, however, had in the interval found means of sowing dissensions among the barons, and of bringing over to his party the earl of Cornwall, as well as the earls of Lincoln and Chester. The confederates were disconcerted in their measures: Richard, earl Marechal, who had succeeded to that dignity on the death of his brother, William, was chased into Wales; he thence withdrew into Ireland; where he was treacherously murdered by the contrivance of the bishop of Winchester^N. The estates of the more obnoxious barons were confiscated, without legal sentence or trial by their peers^Q, and were bestowed with a profuse liberality on the Poitevins. Peter even carried his insolence so far as to say publicly, that the barons of England must not pretend to put themselves on the same footing with those of France, or assume the same liberties and privileges: The monarch had a more absolute power in the one country than in the other. It would have been more justifiable for him to say, that men, so unwilling to submit to the authority of laws, could with the worse grace claim any shelter or protection from them.

WHEN the king, at any time, was checked in his illegal practices, and the authority of the great charter was objected to him, he was wont to reply: "Why should I observe this charter, which is neglected by all my grantees,"

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^K Chron. Dunst. vol. i. p. 151.

^L M. Paris, p. 258.

^M M. Paris, p. 265.

^N Chron. Dunst. vol. i. p. 219.

^Q M. Paris, p. 265.

CHAP. XII. dees, both prelates and nobility?" It was very reasonably replied: "You ought, sir, to set them the example^R."

1233.

So violent a ministry as that of the bishop of Winchester, could not be of long duration; but its fall proceeded at last from the influence of the church, not from the efforts of the nobles. Edmond, the present primate, came to court, attended by many of the other prelates; and represented to the king the pernicious measures embraced by Peter des Roches, the discontents of his people, the ruin of his affairs; and after requiring the dismissal of the minister and his associates, threatened him with the sentence of excommunication, in case of his refusal. Henry, who knew that an excommunication, so agreeable to the sense of the people, could not fail of operating the most dangerous effects, was obliged to submit: Foreigners were banished: The natives were restored to their place in council^S: The primate, who was a man of prudence, and who took care to execute the laws and observe the charter of liberties, bore the chief sway in the government.

1236.
14th January.

King's
partiality
to fo-
reigners.

BUT the English in vain flattered themselves that they should be long free from the dominion of foreigners. The king, having married Eleanor, daughter to the count of Provence^T, was surrounded by a great Number of strangers from that country, whom he caressed with the fondest affection, and enriched by an imprudent generosity^V. The bishop of Valence, a prelate of the house of Savoy, and maternal uncle to the queen, was his chief minister, and employed every art to amass wealth for himself and his relations. Peter of Savoy, another brother of the same family, was invested in the honour of Richmond, and received the rich wardship of earl Warenne: Boniface of Savoy was promoted to the see of Canterbury: Many young ladies were invited over from Provence, and married to the chief noblemen of England, who were the king's wards^X: And as the source of Henry's bounty began to fail, his Savoyard Ministry applied to Rome, and obtained a bull; permitting him to resume all past grants; absolving him from the oath, which he had taken to maintain them; even enjoining him to make such a resump-
tion,

^R M. Paris, p. 609. ^S Ibid. p. 271, 272. ^T Rym. vol. i. p. 488. M. Paris, p. 286. ^V M. Paris, p. 236, 301, 305, 316, 541. M. West. p. 302, 304. ^X M. Paris, p. 484. M. West. p. 338.

tion, and representing these grants as invalid, on account of the prejudice which ensued from them to the Roman pontiff, in whom the superiority of the kingdom was vested ^Y. The opposition, made to the intended resumption, prevented it from taking effect; but the nation saw the indignities, to which the king was willing to submit, in order to gratify the avarice of his foreign favourites. About the same time, he published in England the sentence of excommunication, denounced against the emperor Frederick, his brother in law ^Z; and said in excuse, that, being the pope's vassal, he was obliged by his allegiance to obey all the commands of his holiness. In this weak reign, when any neighbour insulted the king's dominions, instead of taking revenge for the injury, he complained to the pope as his superior lord, and begged him to give protection to his vassal ^A.

THE resentment of the English barons rose high at the preference given to foreigners; but no remonstrances and complaints could ever prevail on the king to abandon them, or even to moderate his attachment towards them. After the Provencals and Savoyards might have been supposed pretty well satiated with the dignities and riches, which they had acquired, a new set of hungry foreigners were invited over, and shared among them those favours, which the king ought in policy to have conferred on the English nobility, by whom his government could have been supported and defended. His mother Isabella, who had been unjustly taken by the late king from the count de la Marche, to whom she was betrothed, was no sooner mistress of herself by the death of her husband, than she married that nobleman ^B; and she had borne him four sons, Guy, William, Geoffrey, and Aymer, whom she sent over to England to pay a visit to their brother. The good natured and affectionate disposition of Henry was moved at the sight of such near relations; and he considered neither his own circumstances, nor the humours of his people, in the honours and riches, which he conferred upon them ^C. Complaints rose as high against the credit of the Gascon as ever they had done against that of the Poitevin and of the Savoyard favourites; and to a nation prejudiced against them, all their measures appeared

^Y M. Paris, p. 295, 301.^Z Rymer, vol. i. p. 383.^A Chron. Dunst. vol. i. p. 150.^B Trivet, p. 174.^C M.

Paris, p. 491. M. West. p. 338. Knyghton, p. 2436.

CHAP. ed criminal and exceptionable. Violations of the great charter were frequently mentioned; and it is indeed more than probable, that foreigners, ignorant of the laws, and relying on the boundless affections of a weak prince, would, in an age, when a regular administration was not any where known, pay more attention to their present interest than to the liberties of the people. It is reported, that the Poictevins and other strangers, when the laws were at any time appealed to, in opposition to their oppressions, scrupled not to reply, *What did the English laws signify to them? They minded them not.* And as words are often more offensive than actions, this open contempt of the English tended much to aggravate the general discontent, and made every act of violence, committed by the foreigners, appear not only an injury, but an affront to them ^D.

I RECKON not among the violations of the great charter some arbitrary exertions of prerogative, which Henry's necessities obliged him to practise, and which, without producing any discontent, were uniformly continued by all his successors, till the last century. As the parliament often refused him supplies, and that in a manner somewhat rude and indecent ^E, he obliged his opulent subjects, particularly the citizens of London, to grant him loans of money; and it is natural to imagine, that the same want of oeconomy, which reduced him to the necessity of borrowing, would prevent him from being very punctual in the payment ^F. He demanded benevolences or pretended voluntary contributions from his nobility and prelates ^G. He was the first king of England since the conquest, who could fairly be said to lie under the restraint of law; and he was also the first who practised the dispensing power, and employed the famous clause of *Non-obstante* in his grants and patents. When objections were made to this novelty, he replied, that the pope exercised that authority; and why might he not imitate the example? But the abuse, which the pope made of his dispensing power, in violating the canons of general councils, in invading the privileges and customs of all particular churches, and in usurping on the rights of patrons, was more likely to excite the

^D M. Paris, p. 566, 666. Ann. Waverl. p. 214. Chron. Dumf. vol. i. p. 335. ^E M. Paris, p. 301. ^F M. Paris, p. 406. ^G M. Paris, p. 507.

the jealousy of the people, than to reconcile them to a similar practice in their civil government. Roger de Thurkelby, one of the king's justices, was so displeased with the precedent, that he exclaimed, *Alas! what times are we fallen into? Behold, the civil court is corrupted in imitation of the ecclesiastical, and the river is poisoned from that fountain.* C H A P. XII.
1247.

THE king's partiality and profuse bounty to his foreign relations, and to their friends and favourites, would have appeared more tolerable to the English, had any thing been done meanwhile for the honour of the nation, or had Henry's enterprizes in foreign countries, been attended with any success or glory to himself or to the public: At least, such military talents in the king would have served to keep his barons in awe, and have given weight and authority to his government. But though he declared war against Lewis IX. in 1242, and made an expedition into Guienne, upon the invitation of his father-in-law, the count de la Marche, who promised to join him with all his forces; he was unsuccessful in his attempts against that great monarch, was worsted at Taillebourg, was deserted by his allies, lost what remained to him of Poictou, and was obliged to return, with some loss of honour, into England^H. The Gascon nobility were attached to the English government; because the distance of their sovereign allowed them to remain in a state of almost total independence: And they claimed, some time after, Henry's protection against an invasion, which the king of Castile made upon that territory. Henry returned into Guienne, and was more successful in this expedition; but he thereby involved himself and his nobility in an enormous debt, which both increased their discontents, and exposed him to greater danger from their enterprizes^I. 1253.

WANT of oeconomy and an ill judged liberality were Henry's great defects; and his debts, even before this expedition, had become so troublesome to him, that he sold all his plate and jewels, in order to discharge them. When this expedient was first proposed to him, he asked, where he would find purchasers? It was replied, the citizens of London. *On my word, said he, if the treasury of Augustus were brought to market, the citizens are able* to

^H M. Paris, p. 393, 394, 398, 399, 405. W. Heming. p. 574. Chron. Dunst. vol. i. p. 153. ^I M. Paris, p. 614.

CHAP. *to be the purchasers: These clowns, who assume to them-*
 XII. *selves the name of barons, abound in every thing, while we*
are reduced to necessities ^K. And he was thenceforth ob-
 1253- served to be more forward and greedy in his exactions
 upon the citizens ^L.

Ecclesiastical grievances.

BUT the grievances, which the English had reason to complain of in the civil government during this reign, seem to have been still less burthensome than those which they underwent from the usurpations and exactions of the court of Rome. On the death of Langton, in 1228, the monks of Christ-church elected Walter de Hemesham, one of their own body, for his successor: But as Henry refused to confirm the election, the pope, at his desire, annulled it ^M; and immediately appointed Richard, chancellor of Lincoln, for archbishop, without waiting for a new election. On the death of Richard in 1231, the monks elected Ralph de Neville bishop of Chichester; and though Henry was much pleased with the election, the pope who thought that prelate too much attached to the crown, assumed the power of annulling his election ^N. He rejected two clergymen more, whom the monks had successively chosen; and he at last told them, that, if they would elect Edmond, treasurer of the church of Salisbury, he would confirm their choice; and his nomination was complied with. The pope had the prudence to appoint both times very worthy primates; but men could not forbear observing his intention of thus drawing gradually to himself the right of bestowing that important dignity.

THE avarice, however, more than ambition of the see of Rome, seems to have been in this age the ground of general complaint. The papal ministers, finding a vast stock of power, amassed by their predecessors, were desirous of turning it to present profit, which they enjoyed at home, rather than of enlarging their authority in distant countries, where they never intended to reside. Every thing was become venal in the Romish tribunals; simony was openly practised; no favours and even no justice could be obtained without a bribe; the highest bidder was sure to have the preference, without regard either

to

^K M. Paris, p. 501.
 578, 606, 625, 648.

^L M. Paris, p. 501, 507, 518,
^M M. Paris, p. 244.

^N M. Paris,
 p. 254.

to the merits of the person or of the cause; and besides CHAP. XII. 1253. the usual perversions of right in the decision of controversies, the pope openly assumed an absolute and uncontrolled authority of setting aside, by the plenitude of his apostolic power, all particular rules and all privileges of patrons, churches and convents^o. On pretence of remedying these abuses, pope Honorius, in 1226, complaining of the poverty of his see as the source of all grievances, demanded from every cathedral two of the best prebends, and from every convent two monks portions, to be set apart as a perpetual and settled revenue of the papal crown; but all men being sensible, that the revenue would continue for ever, and the abuses immediately return, his demand was unanimously rejected^p. About three years after, the pope demanded and obtained the tenth of all ecclesiastical revenues, which he levied in a very oppressive manner; requiring payment before the clergy had drawn their rents or tythes, and sending about usurers, who advanced them the money at exorbitant interest^q. In the year 1240, Otho, the legate, having in vain attempted the clergy in a body, obtained separately, by intrigues and menaces, large sums from the prelates and convents, and on his departure is said to have carried more money out of the kingdom than he left in it^r. This experiment was renewed four years after with equal success by Martin the nuncio, who brought from Rome powers of suspending and excommunicating all clergymen, that refused to comply with his demands^s. The king, who relied on the pope for the support of his tottering authority, never failed to countenance these exactions^t.

MEANWHILE, all the chief benefices of the kingdom were conferred on Italians; great numbers of that nation were sent over at one time to be provided for; non-residence and pluralities were carried to an enormous height; Mansel, the king's chaplain, is computed to have held

^o M. Paris, p. 290, 308, 345, 375, 421, 469, 483, 537, 609. Ann. Burt. p. 309. M. West. p. 305, 313, 333, 336. ^p M. Paris, p. 226, 227, 228. Chron. Dunst. vol. i. p. 161. M. West. p. 284. ^q M. Paris, p. 248. ^r M. Paris, p. 355, 360, 361, 366, 371. ^s M. Paris, p. 434. ^t M. Paris, p. 376, 612, 613.

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held at once seven hundred ecclesiastical livings^U; and the abuses became so evident as to be palpable to the blindness of superstition itself. The people, entering into associations, rose in tumults against the Italian clergy; pillaged their barons; wasted their fields; insulted the persons of such of them as they found in the kingdom^X; and when the justiciaries made enquiry into the authors of this disorder, the guilt was found to involve so many, and those of such high rank, that it passed unpunished. At last, when Innocent IV. in 1245, called a general council at Lyons, in order to excommunicate the emperor Frederic, the king and nobility sent over agents to complain before the council of the avarice of the Romish church. They represented among many other grievances, that the benefices of the Italian clergy in England had been estimated, and were found to amount to 60,000 marks^Y a year, a sum which exceeded the annual revenue of the crown itself^Z. They obtained only an evasive answer from the pope; but as mention had been made before the council, of the feudal subjection of England to the see of Rome, the English agents, at whose head was Roger Bigod, earl of Norfolk, exclaimed against that pretension, and insisted, that king John had no right, without the consent of his barons, to subject the kingdom to so ignominious, a servitude^A. The popes indeed, afraid of carrying matters too far against England, seem thenceforth to have little insisted on that exorbitant pretension.

THIS check, received at the council of Lyons, was not able to stop the court of Rome in its career: Innocent exacted the revenues of all vacant benefices, the twentieth of all ecclesiastical revenues without exception; the third of such as exceeded a hundred marks a year; the half of such as were possessed by non-residents^B.

He

^U M. Paris, p. 575: M. West. p. 383. ^X Rymer, vol. i. p. 323. M. Paris, p. 255, 257. Ann. Burt. p. 280, 281. Chron. Dunst. vol. i. p. 207. ^Y Innocent's bull in Rymer, vol. i. p. 471. says only 50,000 marks a year.

^Z M. Paris, p. 451. The customs were part of Henry's revenue, and amounted to 6000 pounds a year: They were at first small sums paid by the merchants for the use of the king's warehouses, measures, weights, &c. See Gilbert's history of the Exch. p. 214.

^A M. Paris, p. 460. ^B M. Paris, p. 480. Ann. Burt. p. 305, 373.

He claimed the goods of all intestate clergymen^B; he pretended a title to inherit all money got by usury; he levied voluntary contributions from the people; and when the king, contrary to his usual practice, prohibited these exactions, he threatened to denounce against him the same censures, which he had emitted against the emperor, Frederic^C.

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BUT the most oppressive expedient, employed by the pope, was the embarking Henry in a project for the conquest of Naples, or Sicily on this side the Fare, as it was called; an enterprize, which threw much dishonour on the king, and involved him, during some years, in great expence and trouble. The Romish church, taking advantage of favourable incidents, had reduced the kingdom of Sicily to the same state of feudal vassalage, which she pretended to extend over England, and which by reason of the distance, as well as high spirit of this latter kingdom, she was not able to maintain. After the death of the emperor, Frederic II. the succession of Sicily devolved to Conradine, grandson to that monarch; and Mainfroy, his natural son, under pretence of governing the kingdom during the infancy of the prince, had formed a scheme of establishing his own authority. Pope Innocent IV. who had carried on violent war against the emperor, Frederic, and endeavoured to dispossess him of his Italian dominions, still continued hostilities against his grandson; but being disappointed in all his schemes by the activity and artifices of Mainfroy, he found that his own force alone was not sufficient to bring to happy issue so great an enterprize. He pretended to dispose of the Sicilian crown, both as superior lord of that particular kingdom, and as vicar of Christ, to whom all kingdoms of the earth were subjected; and he made a tender of it to Richard earl of Cornwall, whose immense riches, he flattered himself, would be able to support the military operations against Mainfroy. As Richard had the prudence to refuse the present^D, he applied to the king, whose levity and thoughtless disposition gave him more hopes of success; and he offered him the crown of Sicily for his second son, Edmond^E. Henry, allured by so mag-

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^B M. Paris, p. 474.^C M. Paris, p. 476.^D M.

Paris, p. 659.

^E Rymer, p. 502, 512, 530.

M. Paris,

p. 599, 613.

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magnificent a gift, without reflecting on the consequences, without consulting either with his brother or the parliament, accepted of this insidious proposal; and gave the pope unlimited credit to expend whatever sums he thought necessary for completing the conquest of Sicily. Innocent, who was engaged by his own interests to make war with Mainfroy, was glad to carry on his enterprizes at the expence of his ally: Alexander IV. who succeeded him in the papal throne, continued the same policy: And Henry was surprized to find himself on a sudden involved in an immense debt, which he had never been consulted in contracting. The sum already amounted to 135,541 marks besides interest^F; and he had the prospect, if he answered this demand, of being soon loaded with more exorbitant expences; if he refused it, of both incurring the pope's displeasure, and of losing the crown of Sicily, which he hoped soon to have the glory of fixing on the head of his son.

He applied to the parliament for supply; and that he might be secure of not meeting with opposition, he sent no writs to the more refractory barons: But even those who were summoned, sensible of the ridiculous cheat, imposed by the pope, determined not to lavish their money on such chimerical projects, and making a pretext of the absence of their brethren, they refused to take the king's demands into consideration^G. In this extremity the clergy were his only resource; and as both their temporal and spiritual sovereign concurred in loading them, they were ill able to defend themselves against this united authority.

THE pope published a crusade for the conquest of Sicily; and required every one, who had taken the cross against the infidels, or had vowed to advance money for that enterprize, to turn the war against Mainfroy, a more terrible enemy, as he pretended, to the christian faith than any Saracen^H. He levied a tenth on all ecclesiastical benefices in England for three years; and gave orders to excommunicate all bishops, who made not punctual payment. He granted to the king the goods of intestate clergymen; the revenues of vacant benefices; the revenues of all non-residents^I. But these taxations, being

^F Rymer, vol. i. p. 587. Chron. Dunst. vol. i. p. 319.

^G M. Paris, p. 614.

^H Rymer, vol. i. p. 547, 548, &c.

^I Id. p. 597, 598.

being levied by some rule, were deemed less grievous, than another arbitrary imposition, which arose from the suggestion of the bishop of Hereford, and which might have opened the door to endless and intolerable abuses.

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THAT prelate, who resided at the court of Rome by a deputation from the English church, drew bills of different values, but amounting in the whole to 150,540 marks, on all the bishops and abbots of the kingdom; and granted these bills to Italian merchants, who, it was pretended, had advanced money for the service of the war against Mainfroy^K. As there was no likelihood of the English prelates submitting, without compulsion, to such an extraordinary demand, Rustand, the legate, was charged with the office of employing his authority to that purpose; and he summoned an assembly of the bishops and abbots, whom he acquainted with the pope's and the king's pleasure. Great were the surprize and indignation of the assembly: The bishop of Worcester exclaimed, that he would lose his life rather than comply: The bishop of London said, that the pope and king were more powerful than he; but if his mitre were taken off his head, he would clap on a helmet in its place^L. The legate was no less violent on the other hand; and he told the assembly, in plain terms, that all ecclesiastical benefices were the property of the pope, and he might dispose of them, either in whole or in part, as he saw proper^M. In the end, the bishops and abbots, being threatened with excommunication, which made all their revenues fall into the king's hands, were obliged to submit to the exaction: And the only mitigation which the legate allowed them, was, that the tenths, already granted, should be accepted as a partial payment of the bills. But the money was still insufficient for the pope's purpose: The conquest of Sicily was as remote as ever: The demands which came from Rome were endless: Pope Alexander became so urgent a creditor, that he sent over a legate into England; threatening the kingdom with an interdict, and the king with excommunication, if the arrears, which he pretended to be due to him, were not instantly remitted^N: And
at

^K M. Paris, p. 612, 628. Chron. T. Wykes, p. 54.

^L M. Paris, p. 614. ^M M. Paris, p. 619. ^N Rymer, vol. i. p. 624. M. Paris, p. 648.

CHAP. at last, Henry, sensible of the cheat, began to think of breaking off the agreement, and of resigning into the pope's hands that crown, which, it was not intended by Alexander, that he or his family should ever enjoy ^o.

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 1255.
 Earl of
 Cornwall
 elected
 king of
 the Ro-
 mans.

THE earl of Cornwall had now reason to value himself on his foresight, in refusing the fraudulent bargain with Rome, and in preferring the solid honours of an opulent and powerful prince of the blood in England, before the empty and precarious glory of a foreign dignity. But he had not always firmness sufficient to adhere to this resolution: His vanity and ambition prevailed at last over his prudence and his avarice; and he was engaged in an enterprize no less expensive and vexatious than that of his brother, and not attended with much greater probability of success. The immense opulence of Richard having made the German princes cast their eye on him as a candidate for the empire; he was tempted to expend vast sums of money on his election, and he succeeded so far as to be chosen king of the Romans, which seemed to render his succession infallible to the imperial throne. He went over into Germany, and carried out of the kingdom no less a sum than seven hundred thousand marks, if we may believe the account of some antient authors ^p, which is probably much exaggerated ^q. His money, while it lasted, procured him friends and partizans: But it was soon drained from him by the rapacity of the German princes; and having no personal or family connexions

^o Rymer, vol. i. p. 630. ^p M. Paris, p. 638. The same author, a few pages before, makes Richard's treasures amount to little more than half the sum, p. 634. The king's dissipations and expences, throughout his whole reign, according to the same author, had amounted only to about 940,000 marks, p. 638.

^q The sums mentioned by antient authors, who were all monks, are often improbable, and never consistent. But we know from an infallible authority, the public remonstrance to the council of Lyons, that the king's revenues were below 60,000 marks a year: His brother therefore could never have been master of 700,000 marks; especially as he did not sell his estates in England, as we learn from the same author; And we hear afterwards of his ordering all his woods to be cut down, in order to satisfy the rapacity of the German princes: His son succeeded to the earldom of Cornwall and his other revenues.

ions in that country, no solid foundation of power, he found at last, that he had lavished away the frugality of a whole life, in order to procure a splendid title, and that his absence from England, joined to the weakness of his brother's government, gave reins to the factious and turbulent dispositions of the English barons, and involved his own country and family in infinite calamities.

THE successful revolt of the nobility from king John, Discontent and their imposing on him and his successors limitations of the royal power, had made them feel their own weight and importance, had set a dangerous precedent of resistance, and being followed by a long minority, had impoverished, as well as weakened that crown, which they were at last induced, from the fear of worse consequences, to re-place on the head of young Henry. In the king's situation, either great abilities and vigour were requisite to overawe barons, or great caution and reserve to give them no pretence for complaints; and it must be confessed, that this prince was possessed of neither of these talents. He had not prudence to choose right measures; he wanted even that constancy which sometimes gives weight to wrong ones; he was entirely abandoned to his favourites, who were always foreigners; he lavished on them without discretion his diminished revenue; and finding, that his barons indulged their disposition towards tyranny, and observed not to their own vassals the same rules, which they had imposed on the crown, he was apt, in his administration, to neglect all the salutary articles of the great charter, which he remarked to be so little regarded by his nobility. This conduct had extremely lessened his authority in the kingdom; had multiplied complaints against him; and had frequently exposed him to affronts, and even to dangerous attempts upon his prerogative. In the year 1244, when he desired a supply from parliament, the barons, complaining of the frequent breaches of the great charter, and of the many fruitless applications which they had formerly made for the redress of this and other grievances, demanded in return that he should give them the nomination of the great justiciary and of the chancellor, to whose hands chiefly the administration of justice was committed; and, if we may credit the historian^R, they had formed

^R M. Paris, p. 432.

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formed the plan of other limitations, as well as of associations to maintain them, which would have reduced the king to be an absolute cypher, and have held the crown in perpetual pupillage and dependence. The king, to satisfy them, would agree to nothing but a renewal of the charter, and a general permission to excommunicate all the violaters of it: And he received no other supply, except their consent to levy a scutage of twenty shillings on each knight's fee for the marriage of his eldest daughter to the king of Scotland; a burthen, which was expressly annexed to their feudal tenures.

FOUR years after, in a very full parliament, when Henry demanded a new supply, he was openly reproached with the breach of his word, and the frequent violations of the charter. He was asked, whether he did not blush to desire any aid from his people, whom he professedly hated and despised, to whom on all occasions he preferred aliens and foreigners, and who groaned under the oppressions, which he either permitted or exercised over them. He was told, that, besides disparaging his nobility by forcing them to contract unequal and mean marriages with strangers, no rank of men was so low as to escape vexations from him or his ministers that even the victuals consumed in his household, the cloaths which himself and his servants wore, still more the wine, which they used, were all taken by violence from the lawful owners, and no compensation was ever made them for the injury; that foreign merchants, to the great prejudice and infamy of the kingdom, shunned the English harbours, as if they were possessed by pyrates, and the commerce with all nations was thus cut off by these violences; that loss was added to loss, and injury to injury, while the merchants, who had been despoiled of their goods, were also obliged to carry them at their own charges to whatever place the king was pleased to appoint them; that even the poor fishermen on the coast could not escape his oppressions and those of his courtiers; and finding that they had not the full liberty of disposing of their commodities in the English market, were frequently constrained to carry them to foreign ports, and to hazard all the perils of the ocean rather than those which awaited them from his oppressive emissaries; and that his very religion was a ground of complaint to his subjects, while they observed, that the waxen tapers and splendid silks, em-

employed in so many unles processions were the spoils which he had forcibly ravished from the true owners². Throughout this remonstrance, in which the complaints, derived from an abuse of the antient right of purveyance, may be supposed to be somewhat exaggerated, there appears a strange mixture of regal tyranny in the practices which gave rise to it, and of aristocratical liberty or rather licentiousness in the expressions employed by the parliament. But a mixture of this kind is observable in all the antient feudal governments; and both of them proved equally hurtful to the people.

As the king, in answer to their remonstrance, gave the parliament only good words and fair promises, attended with the most humble submissions, which they had often found deceitful, he obtained at that time no supply; and therefore in the year 1253, when he found himself again under the necessity of applying to parliament, he had provided himself of a new pretence, which he deemed infallible, and taking the vow of a crusade, he demanded their assistance in that pious enterprize^A. The parliament, however, for some time scrupled compliance; and the ecclesiastical order sent a deputation of four prelates, the primate, the bishops of Winchester, Salisbury, and Carlisle, in order to remonstrate with him on his frequent violations of their privileges, the oppressions with which he had loaded them and all his subjects^B, and the uncanonical and forced elections, which were made to vacant dignities. "Is it true," replied the king, "I have been somewhat faulty in this particular: I obeyed you, my lord of Canterbury, upon your see: I was obliged to employ both entreaties and menaces, my lord of Winchester, to have you elected: My proceedings, I confess, were very irregular, my lords of Salisbury and Carlisle, when I raised you from the lowest stations to your present dignities: I am determined henceforth to correct these abuses; and it will also become you, in order to make a thorough reformation, to resign your present benefices; and try to enter again in a more regular and canonical manner^C." The bishops, surprized at these unexpected

VOL. II. L sarcasms,

^A M. Paris, p. 498. See farther, p. 578. M. West. p. 348. ^B M. Paris, p. 518, 558, 568. Chron. Distr. vol. i. p. 293. ^C M. Paris, p. 568. M. Paris, p. 559.

CHAP. sarcasms, replied, that the question was not at present how to correct past errors, but to avoid them for the future.

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The king promised redress both of ecclesiastical and civil grievances; and the parliament in return agreed to grant him a supply, a tenth of the ecclesiastical benefices, and a scutage of three marks on each knight's fee: But as they had experienced his frequent breach of promise, they required, that he should ratify the great charter in a manner still more authentic and solemn than any which he had ever hitherto employed. All the prelates and abbots were assembled: They held burning tapers in their hands: The great charter was read before them: They denounced the sentence of excommunication against every one who should thenceforth violate that fundamental law: They threw their tapers on the ground, and exclaimed, *May the soul of every one, who incurs this sentence, sink and corrupt in Hell!* The king bore a part in this ceremony; and subjoined; "So help me God, I will keep all these things inviolate, as I am a man, as I am a christian, as I am a knight, and as I am a king crowned and anointed^D." Yet was the tremendous ceremony no sooner finished, than his favourites, abusing his weakness and facility, made him return to the same arbitrary and irregular administration; and the reasonable expectations of his people were thus continually eluded and disappointed^E.

1258.

Simon de Mountfort, earl of Leicester.

ALL these imprudent and illegal measures afforded a pretence to Simon de Mountfort, earl of Leicester, to attempt an innovation in the government, and to wrest the scepter from the feeble and irresolute hand which held it. This nobleman was a younger son of that Simon de Mountfort, who had conducted with such valour and renown the crusade against the Albigenes, and who, though he tarnished his famous exploits by cruelty and ambition, had left a name very precious to all the bigots of that age, particularly to the ecclesiastics. A large inheritance in England fell by succession to this family; but as the elder brother enjoyed still more opulent possessions in France, and could not perform fealty to two masters, he transferred his right to Simon, his younger brother, who came

^D M. Paris, p. 580. Ann. Burt. p. 323. Ann. Waverl. p. 210. W. Heming. p. 571. M. West. p. 353. ^E M. Paris, p. 597, 608.

came over into England, did homage for his lands, and was raised to the dignity of earl of Leicester. In the year 1238, he espoused Eleanor dowager of William earl of Pembroke; and sister to the king^F; but the marriage of this princess with a subject and a foreigner, though finished with Henry's consent, was loudly complained of by the earl of Cornwall, and all the barons of England; and Leicester was supported against their violence, entirely by the king's favour and authority^G. But he had no sooner established himself in his possessions and dignities, than he acquired by insinuation and address, a strong interest with the nation, and gained equally the affections of all orders of men. He lost, however, the friendship of Henry from the usual levity and fickleness of that prince; he was banished the court; he was recalled; he was entrusted with the command of Guienne^H; where he did good service and acquired honour; he was again disgraced by the king, and his banishment from court seemed now final and irrevocable. Henry called him traitor to his face: Leicester gave him the lye, and told him, that, if he were not his sovereign, he would soon make him repent of that insult. Yet was this quarrel accommodated either from the good-nature or timidity of the king; and Leicester was again admitted into some degree of favour and authority. But as this nobleman was become too great to preserve an entire complaisance to Henry's humours, and to act in subserviency to his other minions; he found more advantage in cultivating his interest with the public, and inflaming the general discontent, which prevailed against the administration. He filled every place with complaints against the infringement of the great charter, the violences committed on the people, the combination, between the pope and the king in their tyranny and extortions, Henry's neglect of his native subjects and barons; and, though himself a foreigner, he was more loud than any in representing the indignity of submitting to the dominion of foreigners. By his hypocritical pretensions to devotion, he gained the favour of the zealots and clergy: By his seeming concern for public good, he acquired the affections of the public: And, besides the private friendships which he

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^F M. Paris, p. 314.
vol. i. p. 459, 513.

^G M. Paris, p. 315.

^H Rymer,

CHAP. had cultivated with the barons, his animosity against the
 XII. favourites bred an union of interests between him and that
 powerful order.

1258.

A RECENT quarrel, which broke out between Leicester and William de Valence, Henry's half brother, and chief favourite, brought matters to extremity¹, and determined the former to give full scope to his bold and unbounded ambition, which the laws and the king's authority had hitherto with difficulty restrained. He secretly called a meeting of the most considerable barons, particularly Humphrey de Bohun, high constable, Roger Bigod, earl marshal, and the earls of Warwick and Gloucester; men, who by their family and possessions, stood in the first rank of the English nobility. He represented to this company the necessity of reforming the state, and of putting the execution of the laws into other hands than those which had hitherto appeared, from repeated experience, so unfit for the charge with which they were entrusted. He exaggerated the oppressions exercised against the lower orders of the state, the violations of the barons' privileges, the continued plunder of the clergy; and in order to aggravate the enormity of this conduct, he appealed to the great charter, which Henry had so often ratified, and which was calculated to prevent for ever the return of these intolerable grievances. He magnified the generosity of their ancestors, who, at an infinite expence of blood, had extorted that famous concession from the crown; but lamented their own degeneracy, who allowed so great an advantage, once obtained, to be wrested from them by a weak prince and by insolent strangers. And he insisted, that the king's word, after so many submissions and fruitless promises on his part, could no longer be relied on; and that nothing but his absolute inability to violate national privileges could henceforth ensure the regular observance of them.

THESE topics, which were founded in truth, and suited so well the sentiments of the company, had the desired effect; and the barons entered into a resolution of redressing the public grievances, by taking into their own hands the administration of government. The king having summoned a parliament, in expectation of receiving

¹ M. Paris, p. 649.

ceiving supplies for his Sicilian project, the barons appeared in the hall, clad in complete armour, and with their swords by their side; and the king on his entry, struck with this unusual appearance, asked them what was their purpose, and whether they pretended to make him their prisoner^x? Roger Bigod replied, in the name of the rest, that he was not their prisoner, but their sovereign; that they even intended to grant him large supplies, in order to fix his son on the throne of Sicily; that they only expected some return for this expence and service; and that, as he had frequently made submissions to the parliament, had acknowledged his past errors, and had still allowed himself to be carried into the same path, which gave them such just reason of complaint, he must now yield to more strict regulations, and confer authority on those who were able and willing to redress the public grievances. Henry, partly allured by the hopes of supply, partly intimidated by the union and martial appearance of the barons, agreed to their demand; and promised to summon another parliament at Oxford, in order to digest the new plan of government, and to elect the persons, who were to be entrusted with the chief authority.

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THIS parliament, which the royalists, and even the 11th June nation, from experience of the confusions that attended Provisions its measures, afterwards denominated the *mad parliament*, of Oxford, met on the day appointed; and as all the barons brought along with them their military vassals, and appeared with an armed force, the king, who had taken no precautions against them, was in reality a prisoner in their hands, and was obliged to submit to all the terms which they were pleased to impose upon him. Twelve barons were selected from the king's council; twelve more were chosen by parliament: To these twenty-four, unlimited authority was granted of reforming the state; and the king himself took an oath, that he would maintain whatever ordinances they should think proper to enact for that purpose^L. Leicester was at the head of this supreme council, to which the legislative power was thus in reality, transferred, and all their measures were taken by his secret influence and direction. Their first step bore a specious

^x Anna! Theokesbury. ^L Rymer, vol. i. p. 655. Chron. Dunst. vol. i. p. 334. Knighton. p. 2445.

specious appearance; and seemed well calculated for the end, which they professed to be the object of all these innovations: They ordered that four knights should be chosen by each county; that they should make enquiry into the grievances of which their neighbourhood, had reason to complain, and should attend the next ensuing parliament, in order to give information to that assembly of the state of their particular counties^M: A nearer approach to our present constitution than had been made by the barons in the reign of king John, when the knights were only appointed to meet in their counties, and there to draw up a detail of their grievances. Meanwhile the twenty-four barons proceeded to enact some regulations, in order to provide a redress for such grievances as were supposed to be notorious to all the world. They ordered, that three sessions of parliament should be regularly held every year, in the months of February, June, and October; that a new high sheriff should be elected every year by the votes of the free-holders in each county^N; that the sheriffs should have no power of fining the barons who did not attend their courts, or the circuits of the justiciaries; that no heirs should be committed to the wardship of foreigners, and no castles be entrusted to their custody; and that no new warrens or forests should be created, nor the revenues of any counties or hundreds be let to farm. Such were the regulations which the twenty-four barons enacted at Oxford, for the redress of public grievances^O.

BUT the earl of Leicester and his associates, having advanced so far to satisfy the nation, instead of continuing in this popular course, or granting the king that supply which they had promised him, immediately made provisions for the extension and continuance of their own exorbitant authority. They roused anew the popular clamour, which had long prevailed against foreigners; and they fell with the utmost violence on the king's half-brothers, who were supposed to be the authors of all national grievances, and whom Henry had no longer any power to protect. The four brothers, sensible of their danger, took to flight, with an intention of making their escape out of the kingdom; they were eagerly pursued by

^M M. Paris, p. 657. Addit. p. 140. Ann. Burt. p. 412.
^N Chron. Dunst. vol. i. p. 336. ^O Ann. Burt. p. 413.

by the barons; Aymer, one of the brothers, who had been elected to the see of Winchester, took shelter in his episcopal palace, and carried the others along with him; they were surrounded in that place, and threatened to be dragged out by force, and to be punished for their crimes and misdemeanors; and the king, pleading the sacredness of an ecclesiastical sanctuary, was glad to extricate them from this danger by banishing them the kingdom^p. In this act of violence, as well as in the former usurpations of the barons, the queen and her uncles were thought to have secretly concurred, being jealous of the credit, acquired by the brothers, which, they imagined, had eclipsed and annihilated their own^q.

BUT the subsequent proceeding of the twenty-four barons were sufficient to open the eyes of the kingdom, and to prove their intention of reducing for ever both the king and the people under the arbitrary power of a very narrow aristocracy, which must at last have terminated either in anarchy, or in a violent usurpation and tyranny. They pretended, that they had not as yet digested all the regulations necessary for the reformation of the state, and for the redress of grievances; and that they must still retain their power, till that great purpose was thoroughly effectuated: In other words, that they must be perpetual governors, and must continue to reform, till they were pleased to abdicate their authority. They formed an association among themselves, and swore that they would stand by each other with their lives and fortunes: They displaced all the chief officers of the crown, the high justiciary, the chancellor, the treasurer; and advanced either themselves or their own creatures in their stead: Even the offices of the king's household were disposed of at their pleasure; The government of all the castles was put into hands in whom they found reason to confide: And the whole power of the state being thus transferred to them, they ventured to impose an oath on every individual of the nation; in which the subjects were obliged to swear, under the penalty of being declared public enemies, that they would obey and execute

^p M. Paris, p. 654. Ann. Burt. p. 411. Chron. T. Wykes, p. 53. W. Heming. p. 579. Chron. Dunst. p. 335. M. West. p. 364. Ypod. Neust, p. 467. Knyghton, p. 2445. ^q Ann. Wayerl. p. 210.

to all the regulations, both known and unknown, of the twenty-four barons: And all this, for the greater glory of God, the honour of the church, the service of the king, and the advantage of the kingdom^R. No one dared to withstand this tyrannical authority; Prince Edward himself, the king's eldest son, a youth of eighteen years of age, who began to give indications of that great and manly spirit, which appeared throughout the whole course of his life, was, after making some opposition, constrained to take that oath, which really deposed his father and his family from sovereign authority^S. Earl Warrenne was the last person in the kingdom, who could be brought to give the confederated barons this mark of submission.

BUT the twenty-four barons, not content with the usurpation of the royal power, introduced an innovation in the constitution of parliament, which was of the utmost importance. They ordained, that that assembly should choose a committee of twelve persons, who should, in the intervals of the sessions, possess the authority of the whole parliament, and should attend on a summons the person of the king, in all his motions. But so powerful were these barons, that this regulation was also submitted to; the whole government was overthrown, or fixed on new foundations; and the monarchy was totally subverted, without its being possible for the king to strike a single stroke in defence of the constitution against the newly-created oligarchy.

3259. THE report that the king of the Romans intended to pay a visit to England, gave alarm to the ruling barons; and they dreaded lest the extensive influence and established authority of that prince would be employed to restore the prerogatives of his family, and overturn their plan of government^r. They sent over the bishop of Worcester, who met him at St. Omars; asked him, in the name of the barons, the reason of his journey, and how long he intended to stay in England; and insisted, that before he entered the kingdom, he should swear to observe the regulations established at Oxford. On Richard's refusal to take this oath, they prepared to resist him as a public enemy; they fitted out a fleet, assembled an army,

* Chron. T. Wykes, p. 52.
T M. Paris, p. 661.

⁸ Ann. Burt. p. 411.

army, and exciting the inveterate prejudices of the people against foreigners, from whom they had suffered so many oppressions, spread the report that Richard intended to restore by force the authority of his exiled brothers, and to violate all the securities provided for public liberty. The king of the Romans was at last obliged to submit to the terms required of him ^u.

C H A P.
XII.

1259.

BUT the barons, in proportion to their continuance in power, began gradually to lose that popularity, which had assisted them in obtaining it; and men repined that regulations, which were only established during a time for the reformation of the state, were likely to become perpetual, and to subvert entirely the antient constitution. They dreaded, that the power of the nobles, which was always oppressive, would now exert itself without controul, by removing the counterpoise of the crown; and their apprehensions were increased by some new edicts of the barons, which were plainly calculated to procure to themselves an impunity in all their violences. They appointed, that the circuits of the itinerant justices, the sole check on their arbitrary conduct, should be held only once in seven years; and men easily saw, that a remedy, which returned after such long intervals, against an oppressive power, which was perpetual, would prove totally insignificant and useless ^x. The cry became loud in the nation, that the barons should finish their intended regulations. The knights of the shires, who seem now to have been pretty regularly assembled, and sometimes in a separate house, made remonstrances against the slowness of their proceedings. They represented, that, though the king had performed all the conditions required of him, the barons had hitherto done nothing for the public good, and had only been careful to promote their own private advantage, and to commit injury on the crown; and they even appealed to prince Edward, and claimed his interposal for the interests of the nation, and the reformation of the government ^y. The prince replied, that though it was from constraint, and contrary to his private sentiments, he had sworn to adhere to the provisions of Oxford, he was determined to observe

^u M. Paris, p. 661, 662. Chron. T. Wykes, p. 53.

^x M. Paris, p. 667. Trivet, p. 209. ^y Annal. Burt. p. 427.

CHAP. observe his oath: But he sent a message to the barons, XII. requiring them to bring their undertaking to a speedy conclusion, and fulfil, their engagements to the public: 1259. Otherwise, he menaced them, that, at the expence of his life, he would oblige them to do their duty, and would shed the last drop of his blood in promoting the interests, and satisfying the just wishes of the nation^z.

THE barons, urged by so pressing a necessity, published at last a new code of ordinances for the reformation of the state^a: But the expectations of the people were extremely disappointed, when they found, that these consisted only of some trivial alterations on the municipal law; and still more, when the barons pretended, that the task was not yet finished, and that they must farther prolong their authority, in order to bring the work of reformation to the desired period. The current of popularity was now much turned to the side of the crown, and the barons had little more to rely on for their support, besides the private influence and power of their families, which, though exorbitant, was likely to prove inferior to the combination of king and people. Even this basis of power was daily weakened by their intestine jealousies and animosities; their antient and inveterate quarrels broke out when they came to divide the spoils of the crown; and the rivalry between the earls of Leicester and Gloucester, the chief leaders among them, began to disjoint the whole confederacy. The latter, more moderate in his pretensions, was desirous of stopping or retarding the career of the baron's usurpations; but the former, enraged at the opposition which he met with in his own party, pretended to throw up all concern in English affairs; and he retired into France^b.

THE kingdom of France, the only state with which England had any considerable intercourse, was at this time governed by Lewis IX. a prince of the most singular character, which is to be met with in all the records of history. This monarch united to the mean and abject superstition of a monk, all the courage and magnanimity of the greatest hero; and, what may be deemed more extraordinary, the justice and integrity of the most disinterested

^z Ibid.
i. p. 348.

^a Ibid. p. 428, 439.

^b Chron. Dunst. vol.

interested patriot, the mildness and humanity of the most accomplished philosopher. So far from taking advantage of the divisions of the English, or attempting to expel those dangerous rivals from the provinces, which they still possessed in France; he had entertained many scruples with regard to the sentence of attainder pronounced against the king's father, had even expressed some intention of restoring the other provinces, and he was only prevented from taking that imprudent resolution, by the united remonstrances of his own barons, who represented the extreme danger of such a measure^c, and what had a greater influence on Lewis, the justice of punishing by a legal sentence the barbarity and felony of John. Wherever this prince interposed in English affairs, it was always with an intention of composing the differences between the king and his nobility; he recommended to both parties every peaceable and reconciling measure; and he used all his authority with the earl of Leicester, his native subject, to bend him to a compliance with Henry. He made a treaty with England, at a time, when the distractions of that kingdom were at the greatest height, and when the king's authority was totally annihilated; and the terms, which he granted, might, even in a more prosperous state of their affairs, be deemed reasonable and advantageous by the English. He yielded up some territories which had been conquered from Poitou and Guienne; he ensured the peaceable possession of the latter province to Henry; he agreed to pay that prince a large sum of money; and he only required that the king should, in return, make a final cession to France of Normandy, and the other provinces, which he could never entertain any hopes of recovering by force of arms^d. This cession was ratified by Henry, by his two sons, and two daughters, and by the king of the Romans and his three sons: Leicester alone, either moved by a vain arrogance, or desirous to ingratiate himself with the English populace, protested against the deed, and insisted on the right, however distant, which might accrue to his consort^e. Lewis saw in this obstinacy the unbounded ambition of the man; and as the barons insisted, that the money

20th May.

^c M. Paris, p. 604. ^d Rymer, vol. i. p. 675. M. Paris, p. 566. Chron. T. Wykes, p. 53. Trivet, p. 208. M. West, p. 371. ^e Chron. T. Wykes, p. 53.

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money which was due by treaty, should be at their disposal, not at Henry's, he also saw, and probably with regret, the low condition to which this monarch, who had more erred from weakness than malice, was reduced by the turbulence of his own subjects.

1261.

BUT the situation of Henry changed soon after much to his advantage. The twenty-four barons had now enjoyed the sovereign power near three years; and had visibly employed it, not for the reformation of the state, which was their first pretence, but for the aggrandizement of themselves and of their families. The breach of trust was apparent to all the world: Every order of men felt it, and murmured against it: The dissensions among the barons themselves, which increased the evil, made also the remedy more obvious and easy: And the secret desertion in particular of the earl of Gloucester to the crown, seemed to promise Henry certain success in any attempt to resume his authority. Yet dared he not to take that step, so reconcilable both to justice and policy, without making a previous application to Rome, and desiring an absolution from his oaths and engagements.

THE pope was at that time very much dissatisfied with the conduct of the barons; who, in order to gain the favour of the people and clergy of England, had expelled all the Italian ecclesiastics, had confiscated their benefices, and seemed determined to maintain the liberties and privileges of the English church, in which the rights of patronage, belonging to their own families, were included. The extreme animosity of the English clergy against the Italians, was also a source of his disgust to this order; and an attempt which had been made by them for farther liberty and independence on the civil power, was therefore less acceptable to the court of Rome. About the same time, that the barons at Oxford had annihilated the prerogatives of the monarchy, the clergy met in a synod at Merton, and passed several decrees, which were no less calculated to promote their own grandeur at the expence of the crown. They decreed, that it was unlawful to try the ecclesiastics by secular judges; that the clergy were not to regard any prohibitions from civil courts; that lay patrons had no right to confer spiritual benefices; that the magistrate was obliged, without farther enquiry, to imprison all excommunicated persons;

and that antient usage, without any particular grant or charter, was a sufficient authority for any clerical possessions or privileges^F. About a century ago, these claims would have been supported by the court of Rome beyond the most fundamental articles of faith: They were the chief points maintained by the great martyr, Becket; and his resolution in defending them had exalted him to the high station which he held in the catalogue of Romish saints: But principles were changed with the times: The pope was become somewhat jealous of the great independence of the English church, which made them stand less in need of his protection, and even emboldened them to resist his authority, and to complain of the preference given to the Italian courtiers, whose interests, it is natural to imagine, were the chief object of his concern. He was very ready, therefore, on the king's application, to annul these new constitutions of the church of England^G. And at the same time, he absolved the king and all his subjects from the oath, which they had taken to observe the provisions of Oxford^H.

PRINCE Edward, whose enlarged thoughts, though in Prince such early youth, had taught him the great prejudice, Edward which his father had incurred, by his levity, inconstancy and frequent breach of promise, refused for a long time to take advantage of this absolution; and declared that the provisions of Oxford, however unreasonable in themselves, and however abused by the barons, ought still to be adhered to by those who had sworn to observe them^I: He himself had been constrained by violence to take that oath; yet was he determined to keep it. By this scrupulous fidelity, the prince acquired the confidence of all parties, and was afterwards enabled to recover fully the royal authority, and to perform such great actions both during his own reign and that of his father.

THE situation of England, during this period, as well as that of most European kingdoms, was somewhat peculiar. There was no regular military force maintained in the nation: The sword, however, was not, properly speaking, in the hands, of the people: The barons were entrusted wholly with the defence of the community; and after

^F Ann. Burt. p. 389. ^G Rymer, vol. i. p. 755. ^H Rymer, vol. i. p. 322. M. Paris, p. 666. W. Heming, p. 580. Ypod. Neust. p. 468. Knyghton, p. 2446. ^I M. Paris, p. 667.

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after any effort, which they made either against their own prince, or against foreigners, as the military retainers departed to their own home, the armies were dissolved, and could not speedily be re-assembled at pleasure. It was easy therefore, for a few barons, by a combination, to get the start of the other party, to collect suddenly their troops, and to appear unexpectedly in the field with an army, which their antagonists, though equal or even superior in power and interest, would not dare to encounter. Hence the sudden revolutions, which were observable in these governments: Hence the frequent victories obtained without a blow by one faction over another: And hence it happened, that the seeming prevalence of a party, was seldom a prognostic of its long continuance in power and authority.

1262.

THE king, so soon as he received the pope's absolution from his oath, accompanied with menaces of excommunication against all opposers, trusting to the countenance of the church, to the support promised him by many considerable barons, and to the returning favour of the people, immediately took off the mask. After justifying his conduct by a proclamation, in which he set forth the private ambition, and the breach of trust, conspicuous in Leicester and his associates, he declared that he had resumed the government, and was determined thenceforth to exert the royal authority for the protection of his subjects. He removed Hugh le Despenser and Nicholas de Ely, the high justiciary and chancellor appointed by the barons; and put Philip Basset and Walter de Merton in their place. He substituted new sheriffs in all the counties, men of character and reputation: He placed new governors in most of the castles: He changed all the officers of his household: He summoned a parliament, in which the resumption of his authority was ratified, with only five dissenting voices: And the barons, after making one fruitless effort, to take the king by surprise at Winchester, were obliged to acquiesce in those new regulations.

23d April.

THE king, in order to cut off every objection to his conduct, offered to refer all the differences between him and the earl of Leicester, to Margaret queen of France.

The

^A M. Paris, p. 668. Chron. T. Wykes p. 55. ^B Rymer, vol. i. p. 724.

The celebrated integrity of Lewis gave a mighty influence to any decision which issued from his court; and Henry probably hoped, that the gallantry, on which all barons, as true knights, valued themselves, would make them ashamed not to submit to the award of that prince. Lewis merited the confidence reposed in him. By an admirable conduct, probably as political as just, he continually interposed his good offices to allay the civil discords of the English: He forwarded all healing measures, which might give security to both parties. And he still endeavoured, though in vain, to sooth by persuasion the fierce ambition of the earl of Leicester, and to convince him how much it was his duty to submit peaceably to the authority of his sovereign.

THAT bold and artful conspirator was nowise discouraged with the bad success of his past enterprizes. The death of Richard earl of Gloucester, who was his chief rival in power, and who, before his decease, had joined the royal party, seemed to open a new field to his violence, and to expose the throne to fresh insults and injuries. It was in vain, that the king professed his intentions of observing strictly the great charter, even of maintaining all the regulations made by the reforming barons at Oxford or afterwards, except those which entirely annihilated the royal authority. These powerful chieftains, now obnoxious to the court, could not peaceably resign the hopes of entire independence and uncontrolled power with which they had flattered themselves, and which they had so long enjoyed. Many of them engaged in Leicester's views, and among the rest, Gilbert, the young earl of Gloucester, who brought him a mighty accession of power, from the extensive authority possessed by that opulent family. Even Henry, son of the king, of the Romans, commonly called Henry d'Allmaine, though a prince of the blood, joined the party of the barons against the king, the head of his own family. Leicester himself, who still resided in France, formed secretly the links of this great conspiracy, and planned the whole scheme of operations.

Civil wars
of the barons.

THE princes of Wales, notwithstanding the great power of the monarchs, both of the Saxon and Norman line, still preserved authority in their own country; and though they had often been constrained to pay tribute to the crown of England, they were with difficulty retained

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1163.

retained in subordination or even in peace; and almost throughout every reign since the conquest, had infested the English frontiers with such petty incursions and sudden inroads, as seldom merited to have place in a general history. The English, still contented with repelling their invasions, and chasing them back into their mountains, had never pursued the advantages obtained against them, nor attempted, even under their greatest and most active princes, to impose a total, or so much as a feudal subjection on the country. This advantage was reserved to the present king, the weakest and most indolent. In the year 1237, Lewellyn, prince of Wales, declining in years and broke with infirmities, but still more harrassed with the rebellion and undutiful behaviour of his son, Griffin, had recourse to the protection of Henry; and consenting to subject his principality, which had so long maintained its independence, to vassalage under the crown of England, purchased security and tranquillity on these dishonourable terms. His eldest son and heir, David, renewed the homage to England; and having taken his brother prisoner, delivered him into Henry's hands, who committed him to custody in the Tower. That prince, endeavouring to make his escape, lost his life in the attempt; and the prince of Wales, freed from the apprehensions of so dangerous a rival, paid thenceforth less regard to the English monarch, and even renewed those incursions, by which the Welsh, during so many ages, had been accustomed to infest their borders. Lewellyn, however, the son of Griffin, who succeeded to his uncle, had been obliged to renew the homage, which was now claimed by England as an established right; but he was well pleased to inflame those civil discords, on which he rested his present security, and founded his hopes of future independence. He entered into a confederacy with the earl of Leicester, and collecting all the force of his principality, invaded England with an army of 30,000 men. He ravaged the lands of Roger de Mortimer and of all the barons, who adhered to the crown^c; he marched into Cheshire, and committed like depredations on prince Edward's territories; every place, where his disorderly troops appeared, was laid waste with fire and sword; and though Mortimer, a gallant and expert soldier, made

stout

^c Chron. Dunst. vol. i. p. 354.

stout resistance, it was found necessary, that the prince himself should head the army against this invader. Edward repulsed prince Lewellyn, and obliged him to take shelter in the mountains of North Wales: But he was prevented from making farther progress against the enemy, by the disorders, which soon after broke out in England.

THE Welsh invasion was the appointed signal for the malcontent barons to rise in arms; and Leicester coming over secretly from France, collected all the forces of his party, and commenced an open rebellion. He seized the person of the bishop of Hereford; a prelate very obnoxious to all the inferior clergy, on account of his devoted attachments to the court of Rome^D. Simon, bishop of Norwich, and John Mansel, because they had published the pope's bull, absolving the king and kingdom from their oaths to observe the provisions of Oxford, were made prisoners, and exposed to the rage of the party. The king's demesnes were ravaged with unbounded fury^E; and as it was Leicester's interest to allure to his side, by the hopes of plunder all the disorderly ruffians in England, he gave them a general licence to pillage the barons of the opposite party, and even all neutral persons. But one of the principal resources of his faction was the populace of the cities, particularly of London; and as he had, by his hypocritical pretensions to sanctity, and his zeal against Rome, engaged the monks and lower ecclesiastics in his party, his dominion over the inferior ranks of men became absolutely uncontrollable. Thomas Fitz-Richard, mayor of London, a furious and licentious man, gave the countenance of authority to these disorders in the capital; and having declared war against the substantial citizens, he loosened all the bands of government, by which that turbulent city was commonly but ill restrained. On the approach of Easter, the zeal of superstition, the appetite for plunder, or what is often as prevalent with the populace as either of these motives, the pleasure of committing havoc and destruction, prompted them to attack the unhappy Jews, who were first pillaged without resistance, and then massacred, to the number of five hundred persons^F. The Lombard bankers were next exposed to the

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rage

^D Trivet, p. 211. M. West. p. 382, 392. ^E Trivet, p. 211. M. West. p. 382. ^F Chron. T. Wykes, p. 59.

CHAP. XII. ^{1263.} rage of the people; and though, by taking sanctuary in the churches, they escaped with their lives, all their money and goods became a prey to the licentious multitude. Even the houses of the rich citizens, though English, were attacked by night; and way was made by sword and by fire to the pillage of their goods, and often to the destruction of their persons. The queen, who, though she was defended by the Tower, was terrified by the neighbourhood of such dangerous commotions, resolved to go by water to the castle of Windsor; but as she approached the bridge, the populace assembled against her: The cry ran, *drown the witch*; and besides abusing her with the most opprobrious language, and pelting her with rotten eggs and dirt, they had prepared large stones to sink her barge, when she should attempt to shoot the bridge; and she was so frightened that she returned to the Tower^F.

THE violence and fury of Leicester's faction had risen to such a height in all parts of England, that the king, unable to resist their power, was obliged to set on foot a treaty of peace; and to make an accommodation with the barons on the most disadvantageous terms^H. He agreed to confirm anew the provisions of Oxford, even those which entirely annihilated the royal authority; and the barons were again re-instated in the sovereignty of the kingdom. They restored Hugh le Despenser to the office of high justiciary; they appointed their own creatures sheriffs in every county of England; they took possession of all the royal castles and fortresses; they even named all the officers of the king's household; and they 14th Oct. summoned a parliament to meet at Westminster, in order to settle more fully their plan of government. They here produced a new list of twenty-four barons, to whom they proposed, that the administration should be entirely committed; and they insisted, that the authority of this junto should continue, not only during the reign of the king, but also during that of prince Edward.

THIS prince, the life and soul of the royal party, had unhappily, before the king's accommodation with the barons, been taken prisoner by Leicester in a parley at

^G Chron. T. Wykes, p. 57.
358. Trivet, p. 211.

^H Chron. Dunst. vol. i. p.

at Windsor¹; and this misfortune; more than any other incident, had determined Henry to submit to the ignominious conditions imposed upon him. But Edward, having recovered his liberty by the treaty, employed his activity in defence of the prerogatives of his family; and he gained a large party even among those who had at first adhered with the greatest zeal to the cause of the barons. His cousin, Henry d'Allmaine, Roger Bigod earl marshal, earl Warenne, Humphrey Bohun earl of Hereford, John lord Bassett, Ralph Bassett, Hamon l'Estrange, Roger Mortimer, Henry de Piercy, Robert de Brus, Roger de Leyborne, with almost all the Lords Marchers, as they were called, on the borders of Wales and Scotland, the most warlike parts of the kingdom, declared in favour of the royal cause; and hostilities, which were scarce well composed, were again renewed in every party of England. But the near balance of the parties, joined to the universal clamour of the people, obliged the king and barons to open anew the negotiations for peace; and it was agreed by both sides, to submit the differences entirely to the arbitration of the king of France².

C H A P. XII.

1263.

THIS virtuous prince, the only man, who, in like circumstances, could safely have been intrusted with such an authority by a neighbouring nation, had never ceased to interpose his good offices between the English factions; and had even, during the short interval of peace, invited over to Paris both king and the earl of Leicester, in order to accommodate the differences between them; but found, that the fears and animosities on both sides, as well as the ambition of Leicester, were so violent, as to render all his endeavours ineffectual. But when this solemn appeal, ratified by the oaths and subscriptions of the leaders, in each faction, was made to his judgment, he was not discouraged from pursuing his honourable purpose: He summoned the states of France at Amiens; and there, in the presence of that assembly, as well as in that of the king of England and Peter de Montfort, Leicester's son, he brought this great cause to a trial and examination. It appeared to him, that the provisions

M 2.

¹ M. Paris, p. 669. Trivet, p. 213. ² M. Paris, p. 668. Chron. T. Wykes, p. 58. W. Heming, p. 580. Chron. Dunst. vol. i. p. 363.

CHAP. of Oxford, even had they not been extorted by force:

XII. had they not been so exorbitant in their nature and sub-
 2364
 23d Jan. versive of the ancient constitution, were expressly estab-
 lished as a temporary expedient, and could not without
 breach of trust, be rendered perpetual by the barons.
 He therefore annulled these provisions; restored to the
 king the possession of his castles, and the power of no-
 mination to the great offices; allowed him to retain
 what foreigners he pleased in his kingdom, and even to
 confer on them places of trust and dignity; and in a
 word, re-established the royal power on the same footing,
 on which it stood before the meeting of the famous par-
 liament at Oxford. But while he thus suppressed dange-
 rous innovations, and preserved unimpaired the preroga-
 tives of the English crown, he was not negligent of the
 rights of the people; and besides ordering that a general
 amnesty, should be granted for all past offences, he
 declared that his award was not any wise meant to de-
 rogate from the privileges and liberties, which the na-
 tion enjoyed by any former concessions or charters of the
 crown.

THIS equitable sentence was no sooner known in Eng-
 land, than Leicester and his confederates determined to
 reject it, and to have recourse to arms, in order to pro-
 cure to themselves more safe and advantageous conditions
 from the king^M. Without regard to his oaths and sub-
 2364
 Renewal of the civil wars. scriptions, that enterprising conspirator directed his two
 sons, Richard and Peter de Montfort, in conjunction
 with Robert de Ferrars, earl of Derby, to attack the city
 of Worcester; while Henry and Simon de Montfort,
 two others of his sons, assisted by the prince of Wales,
 were ordered to commit ravages on the estate of Roger
 de Mortimer. He himself resided at London; and em-
 ploying as his instrument, Fitz-Richard, the seditious
 mayor, who had violently and illegally prolonged his
 authority, he wrought up that city to the highest fer-
 ment and agitation. The populace formed themselves
 into bands and companies; chose leaders; practised all
 military exercises; committed violence on the royalists:
 And to give them greater countenance in their disorders,
 an association was entered into between the city and eigh-
 teen

Rymer, vol. i. p. 776, 777, &c. Chron. T. Wykes, p.
 58. Knyghton, p. 2446. ^M Chron. Danst. vol. i. p. 363.

teen great barons, never to make peace with the king but by common consent and approbation. At the head of those who swore to maintain this association, were the earls of Leicester, Gloucester and Derby, with le Despenser, the chief justiciary; men who had all previously sworn to submit to the award of the French monarch. Their only pretence for this breach of faith, was, that the latter part of Lewis's sentence was, as they affirmed, a contradiction to the former: He ratified the charter of liberties, yet annulled the provisions of Oxford; which were only calculated, as they maintained, to preserve that charter; and without which, in their estimation, they had no security for its observance.

THE king and prince, finding a civil war inevitable, prepared themselves for defence; and summoning the military vassals from all quarters, and being reinforced by Baliol, lord of Galloway, Brus lord of Annandale, Henry Percy, John Comyn^N, and other barons of the north, they composed an army, formidable as well from its numbers, as its military prowess and experience. The first enterprize of the royalists was the attack of Northampton; which was defended by Simon de Montfort, with many of the principal barons of that party: And a breach being made in the walls by Philip Basset, the place was carried by assault, and both the governor and the garrison were made prisoners of war^O. The royalists marched thence to Leicester and Nottingham, both which places opened their gates to them^P; and prince Edward proceeded with a detachment into the county of Derby, in order to ravage with fire and sword the lands of the earl of that name, and take revenge on him for his disloyalty^Q. Like maxims of war prevailed with both parties throughout England; and the kingdom was thus exposed in a moment to greater devastation, from the animosities of the rival barons, than it would have suffered from many years of foreign or even domestic hostilities, conducted by more humane and more generous principles.

THE

^N Rymer, vol. i. p. 772. M. West. p. 385. Ypod. Neust. p. 469. ^O Chron. T. Wykes, p. 60. W. Heming, p. 581. Chron. Dunst. p. 367. M. West. p. 385. ^P Chron. T. Wykes, p. 60. Knyghton, p. 2447. ^Q M. West. p. 385.

CHAP. THE earl of Leicester, master of London, and of
 XII. the counties in the south east of England, formed the
 { siege of Rochester^z, which alone held for the king in
 1264. those parts, and which, besides earl Warenne, the governor, was garrisoned by many noble and powerful barons of the royal party. The king and prince hastened from Nottingham, where they were then quartered, to the relief of the place; and on their approach, Leicester raised the siege and retreated to London, which, being the center of his power, he was afraid, might, in his absence, fall into the king's hands, either by force, or by a correspondence with the principal inhabitants, who were all of them secretly inclined to the royal cause^A. Reinforced by a body of 15,000 citizens, and having summoned his partizans from all quarters, he thought himself strong enough to hazard a general battle with the royalists, and to determine the fate of the nation in one great engagement; which if it proved successful, must be decisive against the king, who had no retreat to his broken troops in those parts; while Leicester himself, in case of any sinister accident, could easily take shelter in the city. To give the better colouring to his cause, he previously sent a message with conditions of peace to Henry, submissive in the language, but exorbitant in the demands^B; and when the messenger returned with the lye and defiance from the king, the prince, and the king of the Romans, he sent a new message, renouncing, in the name of himself and of the associated barons, all fealty and allegiance to Henry. He then marched out of the city with his army, divided into four bodies: The first commanded by his two sons, Henry and Guy de Montfort, with Humphrey de Bohun, earl of Hereford, who had deserted to the barons; the second led by the earl of Gloucester, with William de Montchesney and John Fitz-John; the third, composed of Londoners, under the command of Nicholas de Segrave; the fourth headed by himself in person. The bishop of Chichester gave a general absolution to the army, accompanied with assurances, that, if any of them fell in the action, they would

^z M. Paris, p. 669. Chron. T. Wykes, p. 61.
 Heming. p. 582. Chron. Dunst. vol. i. p. 369.
 Paris, p. 669. W. Heming. p. 583.

^A W.
^B M.

would infallibly be received into heaven, as the reward of their suffering in so meritorious cause. CHAP. XII.

LEICESTER, who possessed great talents for war, conducted his march with such skill and secrecy, that he had well nigh surprized the royalists in their quarters at Lewes in Suffex: But the promptitude of prince Edward soon repaired this negligence; and he led out the king's army to the field in three bodies. He himself conducted the van, attended by earl Warrene and William de Valence: The main body was commanded by the king of the Romans and his son Henry: The king himself was placed in the rear at the head of his principal nobility. Prince Edward rushed upon the Londoners, who had demanded the post of honour in leading the rebel army, but who, from their want of discipline and experience, were ill qualified to resist the gentry and military men, of whom the prince's body was composed. They were broke in an instant; were chased off the field; and Edward, transported by his martial ardour, and eager to revenge the insolence of the Londoners against his mother^D, put them to the sword for the length of four miles, without giving them any quarter, and without reflecting on the fate, which in the mean time attended on the rest of the army. The earl of Leicester seeing the royalists thrown into confusion by their eagerness in pursuit and plunder, led on his remaining troops against the bodies commanded by the two royal brothers: He defeated with great slaughter the forces led by the king of the Romans; and that monarch was obliged to yield himself prisoner to the earl of Gloucester: He penetrated to the body where the king himself was placed, threw it into disorder, pursued his advantage, chased it into the town of Lewes, and obliged Henry to surrender himself prisoner^E.

PRINCE Edward, returning to the field of battle from his precipitate pursuit of the Londoners, was astonished to find it covered with the dead bodies of his friends, and still more to hear that his father and uncle were defeated and taken prisoners, and that Arundel, Comyn, Brus,

^D M. Paris, p. 670. Chron. T. Wykes, p. 62. W. Hemming, p. 583. M. West. p. 387. Ypod. Neust. p. 469. H. Knyghton, p. 2459. ^E M. Paris, p. 679. M. West. p. 387.

1264.
Battle of
Lewes:
14th May.

CHAP. **Brus**, Hamon l'Estrange, Roger Leybourne, and all the considerable barons of his party, were in the hands of the victorious enemy. Earl Warenne, Hugh Bigod, and

XII.
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William de Valence, struck with despair at this event, immediately took to flight, hurried to Pevensey, and made their escape beyond sea^F: But the prince, intrepid amidst the greatest disasters, exhorted his troops to revenge the death of their friends, to relieve the royal captives, and to snatch an easy conquest from an enemy, disordered by their own victory^G. He found his followers intimidated by their situation; while Leicester, afraid of a sudden and violent blow from the prince, amused him by a pretence of negotiation, till he was able to recall his troops from the pursuit, and to bring them into order^H. There now appeared no farther resource to the royal party; surrounded by the armies and garrisons of the enemy, destitute of forage and provisions, and deprived of their sovereign, as well as of their principal leaders, who could alone inspire them to an obstinate resistance. The prince, therefore, was obliged to submit to Leicester's terms, which were short and severe, agreeably to the suddenness and necessity of the situation. He stipulated, that he and Henry d'Almaine should surrender themselves prisoners as pledges in the place of the two kings; that all other prisoners on both sides should be released^I; and that in order to settle fully the terms of agreement, applications should be made to the king of France, that he should name six Frenchmen, three prelates and three noblemen: These six to choose two others of their own country: And these two to choose one Englishman, who, in conjunction with themselves, were to be invested by both parties with full powers to make what regulations they thought proper for the settlement of the kingdom. The prince and young Henry accordingly delivered themselves into Leicester's hands, who sent them under a guard to Dover castle. Such are the terms of agreement, commonly called the *Mise* of Lewes, from an obsolete French term of that meaning: For it appears, that all the gentry and nobility of England, who disdained the language of their native country, made familiar

^F Chron. T. Wykes, p. 63. ^G W. Heming, p. 584.
^H Ibid. ^I M. Paris, p. 571. Knyghton, p. 2451.

familiar use of the French, till this period, and for some time after. C H A P. XII.

LEICESTER had no sooner obtained this great advantage, and got the whole royal family in his power, than he openly violated every article of the treaty, and acted as sole master, and even tyrant of the kingdom. He still detained the king in effect a prisoner, and made use of that prince's authority to purposes the most prejudicial to his interests, and the most oppressive of his people^K. He every where disarmed the royalists, and kept all his own partizans in a military posture^L: He observed the same partial conduct in the delivery of the captives, and even threw many of the royalists into prison beside those who were taken in the battle of Lewes: He carried the king from place to place, and obliged all the royal castles, on pretence of Henry's commands, to receive a governor and garrison of his own appointment: All the officers of the crown and of the household were named by him; and the whole authority, as well as arms of the state, was lodged in his hands: He instituted in the counties a new kind of magistracy, endowed with new and arbitrary powers, that of conservators of the peace^M: His rapacious avarice appeared barefaced to the whole nation, and were sufficient to make us question the greatness of his ambition, at least the largeness of his mind: if we had not reason to think, that he intended to employ his unbounded acquisitions as the instruments for attaining farther power and grandeur. He seized no less than the estates of eighteen barons as his share of the spoil gained in the battle of Lewes: He engrossed to himself the ransom of all the prisoners; and told his barons, with a wanton insolence, that it was sufficient for them, that he had saved them by that victory from the forfeitures and attainders, which hung over them^N: He even treated the earl of Gloucester in the same injurious manner, and turned to his own profit the ransom of the king of the Romans, who had in the field of battle yielded himself prisoner to that nobleman. Henry, his eldest son, made a monopoly of all the wool of the kingdom, the only valuable commodity for foreign markets which it at that

1264.

^K Rymer, vol. i. p. 790, 791, &c. ^L Ibid. vol. i. p. 795. Brady's appeals, No. 211, 212. Chron. T. Wykes, p. 63. ^M Rymer, vol. i. p. 792. ^N Knyghton, p. 2451.

CHAP. time produced^o. The inhabitants of the cinque-ports, during the present dissolution of government, betook themselves to the most licentious piracy, made a prey of the ships of all nations, threw the mariners into the sea, and by these practices soon banished all merchants from the English coasts and harbours. Every foreign commodity rose to an exorbitant price; and woollen cloaths, which the English had not then the art of dying, were worn by them white, and without receiving the last hand of the manufacturer. In answer to the complaints which arose on this occasion, Leicester replied, that the kingdom could well enough subsist within itself, and needed no intercourse with foreigners. And it was found, that he even combined with the pyrates of the cinque ports, and received as his share the third of their prizes^p.

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1264

No farther mention was made of the reference to the king of France, so essential an article in the agreement of Lewes; and Leicester summoned a parliament, composed altogether of his own partizans, in order to rivet, by their authority, that power which he had acquired by so much violence, and which he used with so much tyranny and injustice. An ordinance was there passed, to which the king's consent had been previously extorted, that every act of royal power should be exercised by a council of nine persons, who were to be chosen and removed by the majority of three, Leicester himself, the earl of Gloucester, and the bishop of Chichester^q. By this intricate plan of government, the scepter was really put into Leicester's hands; as he had the entire direction of the bishop of Chichester, and thereby commanded all the resolutions of the council of three, who could appoint or discard at pleasure every member of the supreme council.

BUT it was impossible that things could long remain in this strange situation. It behoved Leicester either to descend with some peril into the rank of a subject, or to mount up with no less into that of a sovereign; and his exorbitant ambition, unrestrained by any fear or principle, gave too much reason to suspect him of the latter intention. Mean while, he was exposed to anxiety from every quarter; and felt that the smallest incident was capable

^o Chron. T. Wykes, p. 65.

^q Rymer, vol. i. p. 793.

^p Chron. T. Wykes, p.

Brady's App. No. 213.

capable of overturning that immense and ill-cemented CHAP. fabric, which he had reared. The queen, whom her husband had left abroad, had collected in foreign parts XII. an army of desperate adventurers, and had assembled a great number of ships, with a view of invading the kingdom, and of bringing relief to her unfortunate family. Lewis, detesting Leicester's usurpations and perjuries, and disgusted by the refusal of the English barons, to submit to his award, favoured all her enterprises, and was generally believed to be making preparations for the same purpose. An English army, by the pretended authority of the captive king, was assembled on the sea coast to oppose this projected invasion^R; but Leicester owed his security more to cross winds, which long detained and at last dissipated and broke the queen's fleet, than to any resistance, which, in their present situation, could be expected from the English^S.

LEICESTER found himself better able to resist the spiritual thunders, which were levelled against him. The pope, still adhering to the king's cause against the barons, dispatched cardinal Guido as his legate into England, with orders to excommunicate the three earls, Leicester, Gloucester, and Norfolk, by name, and all others in general, who concurred in the oppression and captivity of their sovereign^T. Leicester menaced the legate with death, if he set his foot within the kingdom; but Guido, meeting in France the bishops of Winchester, London, and Worcester, who had been sent thither on a negociation, commanded them, under the penalty of ecclesiastical censures, to carry his bull into England, and to publish it against the barons. When the prelates arrived off the coast, they were boarded by the pyratrical mariners of the cinque ports, to whom probably they gave a hint of the cargo, which they brought along with them: The bull was torn and thrown into the sea; which furnished the artful prelates with a plausible excuse for not obeying the orders of the legate^U. Leicester appealed from Guido to the pope in person; but before his ambassadors could reach Rome to defend his cause, the pope was dead,

^R Brady's App. No. 216, 217. Chron. Dunst. vol. i. p. 373. M. West. p. 385. ^S Chron. Mailr. p. 226. Chron.

T. Wykes, p. 63. ^T Rymer, vol. i. p. 798. Chron. Dunst. vol. i. p. 373. ^U M. Paris, p. 671. T. Wykes, p. 65.

CHAP. dead, and they found the legate himself, from whom
 XII. they had appealed, seated on the papal throne, under
 the name of Urban IV. That daring leader was no wise
 1264. dismayed with this event; and as he found that a great
 part of his popularity in England was founded on his op-
 position to Rome, which was now become odious, he per-
 sisted with the more obstinacy in the prosecution of his
 measures.

1265. 20th Jan. THAT he might both encrease, and turn to advan-
 tage his popularity, Leicester summoned a new parlia-
 ment in London, where he knew his power was uncon-
 trollable; and he fixed this assembly on a more demo-
 cratical basis, than any which had ever been summoned
 since the foundation of the English monarchy. Besides
 the barons of his own party, and several ecclesiastics,
 who were not immediate tenants of the crown; he or-
 dered returns to be made of two knights from every
 shire, and what is more remarkable, of deputies from
 the boroughs, which had always in former ages been
 esteemed of too mean a rank to be allowed a place in the
 national councils^U. This period is commonly esteem-
 ed the epoch of the house of commons in England; and
 it is certainly the first time, that historians speak of any
 representatives sent to parliament by the boroughs. In
 all the general accounts given in preceding times of
 those assemblies, the nobility and barons only are men-
 tioned as the constituent members; and even in the most
 particular narratives delivered of parliamentary transac-
 tions, as in the trial of Thomas a Becket, where the
 events of each day, and almost of each hour, are care-
 fully recorded by contemporary authors^x, there is not,
 throughout the whole, the least appearance of a house of
 commons. But though that house derived its first ex-
 istence from so precarious and even so invidious an origin
 as Leicester's usurpation, it proved soon, when sum-
 moned by the legal princes, one of the most useful,
 and, in process of time, one of the most powerful,
 members of the national constitution; and gradually re-
 scued the kingdom from aristocratical as well as from
 regal tyranny. But Leicester's policy, if we must as-
 cribe to him so great a blessing, only forwarded by some
 years an institution, for which the general state of things
 had

^U Rymer, vol. i. p. 802.
 drip. Hoveden, &c.

^x Fitz-Stephen, Hist. Qda-

had already prepared the nation; and it is otherwise inconceivable, that a plant, set by so inauspicious a hand, could have attained to so vigorous a growth, and have flourished in the midst of such tempests and convulsions. The feudal-system, with which the liberty, much more the power of the commons, was totally incompatible, began gradually to decline; and both king and people, who felt its inconveniencies, contributed to favour this new power, which was more submissive than the barons to the regular authority of the crown, and at the same time afforded protection to the inferior orders of the state.

LEICESTER, having thus assembled a parliament of his own model, and trusting to the attachment of the populace of London, seized the opportunity of crushing his rivals among the powerful barons. Robert de Ferrars, earl of Derby, was accused in the king's name, seized, and committed to custody, without being brought to any legal trial^Y. John Gifford, menaced with the same fate, fled from London, and took shelter in the marches of Wales. Even the earl of Gloucester, whose power and influence had so much contributed to the success of the barons, but who was of late extremely disgusted at Leicester's arbitrary conduct, found himself in danger from the prevailing authority of his ancient confederate; and he retired from parliament^Z. This known dissension, gave courage to all Leicester's enemies and to the king's friends; who were now sure of protection from so potent a leader. Though Roger Mortimer, Hamon L'Estrange, and other powerful marchers of Wales, had been obliged to leave the kingdom, their authority still remained over the territories subjected to their jurisdiction; and there were many others who were disposed to give disturbance to the new government. The animosities, inseparable from the feudal aristocracy, broke out with fresh violence, and threatened the kingdom with new convulsions and disorders.

THE earl of Leicester, surrounded with these difficulties, embraced a measure, from which he hoped to reap some present advantages, but which proved in the end the source of all his future calamities. The active and intrepid prince Edward had languished in prison ever since

^Y Chron. T. Wykes, p. 66; Ann. Waverl. p. 216.

^Z M. Paris, p. 671. Ann. Waverl. p. 216.

CHAP. since the fatal battle of Lewes; and as he was extremely popular in the kingdom, there arose a general desire of seeing him again restored to liberty ^A. Leicester finding, that he could with difficulty oppose the concurring wishes of the nation, stipulated with the prince, that in return, he should order his adherents to deliver up to the barons, all their castles, particularly those on the borders of Wales; and should swear neither to depart the kingdom, during three years, nor introduce into it any foreign forces ^B. The king took an oath to the same effect, and he also passed a charter, in which he confirmed the agreement or *Mise* of Lewes; and even permitted his subjects to rise in arms against him, if he should ever attempt to infringe it ^C. So little care had Leicester taken, though he had constantly made use of the authority of this captive prince, to preserve to him any appearance of royalty or kingly prerogatives.

11th
March.

IN consequence of this treaty, prince Edward was brought into Westminster-hall, and was declared free by the barons: But instead of really recovering his liberty, as he had vainly expected, he found, that the whole transaction was a fraud on the part of Leicester; that he still continued a prisoner at large, and was strictly guarded by the emissaries of that nobleman; and that while the faction reaped all the benefit from the performance of his part of the treaty, care was taken that he himself should enjoy no advantage by it. As Gloucester, on his rupture with the barons, had retired for safety to his estates on the borders of Wales; Leicester followed him with an army to Hereford ^D, continued still to menace and negotiate, and that he might add authority to his cause, he carried both the king and prince along with him. The earl of Gloucester here concerted with young Edward the manner of that prince's escape. He found means to convey to him a horse of extraordinary swiftness; and appointed Roger Mortimer, who had returned into the kingdom, to be ready at hand with a small party to receive the prince, and to guard him to a place of safety. Edward pretended to take the air with some of Leicester's

^A Knyghton, p. 2451.

^B Ann. Waverl. p. 216.

^C Blackiston's Mag. Charta. Chron. Dunst. vol. i. p. 378.

^D Chron. T. Wykes, p. 67. Ann. Waverl. p. 218. W. Heming. p. 585. Chron. Dunst. vol. i. p. 383, 384.

Leicester's retinue, who were his guards; and making matches between their horses, after he thought he had tired and blown them sufficiently, he suddenly mounted Gloucester's horse, and called to his attendants, that he had long enough enjoyed the pleasure of their company, and now bid them adieu. They followed him for some space, without being able to overtake him; and the appearance of Mortimer with his company put an end to their pursuit ^z.

CHAP.
XII.

1265.

THE royalists, secretly prepared for this happy event, immediately flew to arms; and the joy of this gallant prince's delivery, the oppressions under which the nation laboured, the expectation of a new scene of affairs, and the countenance of the earl of Gloucester, procured Edward an army which Leicester was utterly unable to withstand ^A. This nobleman found himself in a remote quarter of the kingdom, surrounded by his enemies, barred of all communication with his friends by the Severne, whose bridges Edward had broken down ^B, and obliged to fight the cause of his party under such multiplied disadvantages. In this extremity he wrote to his son, Simon de Montfort, to hasten from London with an army for his relief; and Simon had advanced to Kenilworth, with that view; where fancying that all Edward's force and attention were directed against his father, he lay secure and unguarded. But the prince, making a sudden and forced march, surprized him in his camp, dissipated his army, and took the earl of Oxford, and many other noblemen prisoners, almost without resistance ^C. Leicester, ignorant of his son's fate, passed the Severne in boats during Edward's absence, and lay at Evesham, in expectation of being every hour joined by his friends from London: When the prince, who made profit of every favourable moment, appeared in the field before him. Edward made a body of his troops advance from the road which led to Kenilworth, and ordered them to carry and death the banners taken from Simon's army; while he himself, of Leicester-making, cester.

4th Aug.

^z M. Paris, p. 672. Chron. T. Wykes, p. 97. Ann. Waverl. p. 218. W. Heming. p. 585. Knyghton, p. 2452.
^A Chron. T. Wykes, p. 68. ^B Chron. Dunst. vol. i. p. 383. ^C M. Paris, p. 672. Chron. Mailr. p. 230. Chron. T. Wykes, p. 69. Ann. Waverl. p. 219. W. Heming. p. 586. Knyghton, p. 2452.

CHAP. making, a circuit with the rest of his forces, proposed
 XII. to attack the enemy from the other quarter^D. Leicester
 was long deceived by this stratagem, and took one division
 1265. of Edward's army for his friends; but at last, perceiving
 his mistake, and observing the great superiority and
 excellent dispositions of the royalists, he exclaimed, that
 they had learned from him their military order; adding,
 "The Lord have mercy on our souls, for I see our bodies
 "are the prince's^E." The battle immediately began,
 though on very unequal terms. Leicester's army, by
 living in the mountains of Wales without bread, which
 was not then much used, among the inhabitants^F, had
 been extremely weakened by sickness and desertion, and
 was soon broken by the victorious royalists; while his
 Welsh allies, accustomed only to a desultory kind of war,
 immediately took to flight, and were pursued with great
 slaughter^G. Leicester himself, asking for quarter, was
 slain in the heat of the action, with his eldest son Henry,
 Hugh le Despenser, and about one hundred and sixty
 knights, and many other gentlemen of his party. The
 old king had been purposely placed by the rebels in the
 front of the battle; and being clad in armour, and there-
 by not known by his friends, he received a wound, and
 was in danger of his life: But crying out, *I am Henry of*
Wimborne, your king, he was saved; and put in a place
 of security, by his son, who flew to his assistance^H.

THE violence, ingratitude, tyranny, rapacity, and
 treachery of the earl of Leicester, give a very bad idea
 of his moral character, and make us regard his death as
 most happy event, which, in this conjuncture, could have
 happened to the English nation: Yet we must allow the
 man to have possessed great abilities, and the appearance
 of great virtues, who, though a stranger, could, at a
 time when strangers were the most odious, and the most
 universally decried, have acquired so extensive an interest
 in the kingdom, and have so nearly paved his way to
 the throne itself. His military capacity, and his political
 craft, were equally eminent: He possessed the talents
 both of governing men and conducting business: And
 though

^D M. Paris, p. 672. Chron. Mailr. p. 231. ^E M.
 Paris, p. 672. W. Heming, p. 586. Knyghion, p. 2453.
^F Chron. T. Wykes, p. 69. ^G Knyghton, p. 2453.
^H Chron. de Mailr. p. 232. W. Heming. p. 587.

though his ambition was boundless, it seems neither to have exceeded his courage nor his genius; and he had the happiness of making the low populace, as well as the haughty barons, co-operate towards the success of his selfish and dangerous purposes. A prince of greater ability and vigour than Henry might have directed the talents of this nobleman either to the exaltation of his throne, or to the good of his people. But the advantages given to Leicester, by the weak and variable administration of the king, brought on the ruin of royal authority, and produced infinite confusions in the kingdom, which however in the end preserved and extremely improved the national liberty and constitution. His popularity, even after his death, continued so great, that though excommunicated by Rome, the people believed him to be a saint; and many miracles were said to be wrought upon his tomb¹.

THE victory of Evesham, with the death of Leicester, proved decisive in favour of the royalists, and made ment of an equal, though a very opposite impression on friends the go- and enemies, in every part of England. The king of vernment. the Romans recovered his liberty: The other prisoners of the royal party were not only freed, but courted, by their keepers: Fitz-Richard, the seditious mayor of London, who had marked out forty of the most weakly citizens for slaughter, immediately stopped his hands on receiving news of this great event: And almost all the castles garrisoned by the barons, hastened to make their submissions and to open their gates to the king. The Isle of Axholme alone, and that of Ely, trusting to the strength of their situation, ventured to make resistance; but were at last reduced, as well as the castle of Dover, by the valour and activity of prince Edward^K. Adam de Gourdon, a courageous baron, maintained himself some time in the forests of Hampshire, committed depredations in the neighbourhood, and obliged the prince to lead a body of troops into that country against him. Edward attacked the camp of the rebels; and being transported by the ardour of action, leaped over the trench with a few followers, and encountered Gourdon himself in a single combat. The victory was long dis-

¹ Chron. de Mailr. p. 232.
Heming. p. 588.

^K M. Paris, p. 676. W.

CHAP. XIX. **1466.** fought between these valiant combatants; but ended at last in the prince's favour, who wounded his antagonist, threw him from his horse, and took him prisoner. He not only granted him his life; but introduced him that very night to the queen at Guilford, procured him his pardon, restored him to his estate, received him into favour, and was ever after very faithfully served by him.

A TOTAL victory of the sovereign over so extensive a rebellion commonly produces a revolution of government; and strengthens, as well as enlarges, for some time, the prerogatives of the crown: Yet no sacrifices of national liberty were made on this occasion; the great charter remained still inviolate; and the king, sensible that his own barons, by whose assistance alone he had prevailed, were no less jealous of their independence than the other party, seems thenceforth to have more carefully abstained from all those exertions of arbitrary power, which had afforded so plausible a pretence to the rebels. The clemency of this victory is also remarkable: No blood was shed on the scaffold: No attainders, except of of the Mountfort family; were carried into execution: And though a parliament, assembled at Winchester, attainted all those, who had borne arms against the king, easy compositions were made with them for their lands^M; and the highest sum, levied on the most notorious offenders, exceeded not five years rent of their estate. Even the earl of Derby, who again rebelled, after having been pardoned and restored to his fortune, was obliged to pay only seven years rent, and was a second time restored. The mild disposition of the king, and the prudence of the prince, tempered the insolence of victory, and gradually restored order to the several members of the state, disappointed by so long a continuance of civil wars and commotions.

THE city of London, which had carried farthest the rage and animosity against the king, and which seemed determined to stand upon its defence after almost all the kingdom had submitted, was, after some interval, restored to most of its liberties and privileges; and Fitz-Richard, the mayor, who had been guilty of so much illegal violence, was only punished by fine and imprisonment.

^L M. Paris, p. 675.

^M M. Paris, p. 675.

prisonment. The countess of Leicester, the king's sister, CHAP. who had been extremely forward in all attacks on the royal family, was dismissed the kingdom with her two sons, Simon and Guy^N, who proved very ungrateful for this lenity. Five years afterwards, they assassinated, at Viterbo in Italy, their cousin Henry d'Allmaine, who at that very time was endeavouring to make their peace with the king; and by taking sanctuary in the church of the Franciscans, they escaped the punishment due to so great an enormity^O.
 XII.
 1266.

THE merits of the earl of Gloucester, after he returned to his allegiance, had been so great, in restoring the prince to his liberty, and assisting him in his victories against the rebellious barons, that it was almost impossible to content him in his demands; and his youth and temerity, as well as his great power, tempted him, on some new disgust, to raise again the flames of rebellion in the kingdom. The mutinous populace of London, at his instigation, took to arms; and the prince was obliged to collect an army of 30,000 men, in order to suppress them^P. Even this second rebellion did not provoke the king to any acts of cruelty; and the earl of Gloucester himself escaped with a total impunity. He was only obliged to enter into a bond of 20,000 marks, that he never again would be guilty of rebellion^Q. A strange method of enforcing the laws, and a proof of the dangerous independence of the barons in those ages? These potent nobles were, from the danger of the example, averse to the execution of the laws of forfeiture and felony against any of their brethren; though they could not with a good grace refuse to concur in obliging them to fulfil any voluntary contract and engagement, into which they had entered.

THE prince, finding the state of the kingdom tolerably composed, was seduced, by his avidity for glory, and by the prejudices of the age, as well as by the earnest solicitations of the king of France, to undertake an expedition against the infidels in the Holy Land^R; and he endeavoured previously to settle the state in such a manner,

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ner,

^N Chron. T. Wykes, p. 72. ^O Rymer, vol. i. p. 879.
 vol. ii. p. 4. 5. Chron. T. Wykes, p. 94. W. Hemming, p.
 589. Trivet, p. 240. ^P Chron. T. Wykes, p. 79.
^Q Chron. T. Wykes, p. 81. ^R M. Paris, p. 697.

CHAP. ner, as to dread no bad effects from his absence. As the dangerous power and turbulent disposition of the earl of Gloucester gave him apprehensions, he insisted on carrying him along with him, in consequence of a vow, which that nobleman had made to undertake the same voyage; and in the mean time, he obliged him to resign some of his castles, and to enter into a new bond not to disturb the peace of the kingdom^s. He sailed from England with an army; and arrived in Lewis's camp before Tunis in Africa, where he found that monarch already dead, from the intemperance of the climate and the fatigues of his enterprize. The great, if not only weakness of this prince in his government, was the imprudent zeal for crusades; but it was this prepossession chiefly that procured him from the clergy the title of St. Lewis, by which he is known in the French history; and if that appellation had not been so extremely prostituted by the Romish church, as to become rather a term of reproach, he seems, by his uniform probity and goodness, as well as his piety, to have fully merited the title. He was succeeded by his son, Philip, denominated the Hardy; a prince of some merit, though much inferior to that of his father.

1271. PRINCE Edward, not discouraged by this event, continued his voyage to the Holy Land, where he signalized himself by acts of valour: Revived the glory of the English name in those parts: And struck such terror into the Saracens, that they employed an assassin to murder him, who wounded him in the arm, but perished in the attempt^t. Meanwhile, his absence from England was attended with many of those pernicious consequences, which had been dreaded from it. The laws were not executed: The barons oppressed the common people with impunity^u: They gave shelter on their estates to bands of robbers, whom they employed in committing ravages on the estates of their enemies: The populace of London returned to their usual licentiousness: And the old king, unequal to the burthen of public affairs, called aloud for his gallant son to return^x, and to assist him in swaying that scepter, which was ready to drop from his feeble

^s Chron. T. Wykes, p. 90. ^t M. Paris, p. 678, 679.
W. Heming, p. 520. ^u Chron. Dunst. vol. i. p. 404.
^x Rymer, vol. i. p. 869. M. Paris, p. 678.

feeble and uncertain hands. At last, overcome by the cares of government, and the infirmities of age, he visibly declined, and he expired at St. Edmondsbury in the 64th year of his age, and 56th of his reign; the longest reign which is to be met with in the English annals. His brother, the king of the Romans (for he never attained the title of emperor) died about seven months before him.

CHAP.
XII.
1272.
16th Nov.
Death,

THE most obvious circumstance of Henry the third's character is his incapacity for government, which rendered him as much a prisoner in the hands of his own ministers and favourites, and as little at his own disposal, as when detained a captive in the hands of his enemies. From this source, rather than from insincerity or treachery, arose his negligence in observing his promises; and he was too easily induced, for the sake of present convenience, to sacrifice the lasting advantages arising from the trust and confidence of his people. Hence were derived his profusion to favourites, his attachment to strangers, the variableness of his conduct, his hasty resentments, and his sudden forgiveness and return of affection. Instead of reducing the dangerous power of his nobles, by obliging them to observe the laws towards their inferiors, and setting them the salutary example in his own government; he was seduced to imitate their conduct, and to make his arbitrary will, or rather that of his ministers, the rule of his actions. Instead of accommodating himself, by a strict frugality, to the embarrassed situation in which his revenue had been left, by the military expeditions of his uncle, the dissipations of his father, and the usurpations of the barons; he was tempted to levy money by irregular exactions, which, without enriching himself, impoverished, at least disgusted his people. Of all men, nature seemed least to have fitted him for being a tyrant; yet are there instances of oppression in his reign, which, though derived from the precedents left him by his predecessors, had been carefully guarded against by the great charter, and are inconsistent with all rules of good government. And on the whole, we may say, that greater abilities with his good dispositions, would have prevented him from falling into his faults; or with worse dispositions, would have enabled him to maintain and defend them.

THIS

CHAP.
XII.

1272.

THIS prince was noted for his piety and devotion, and his regular attendance on public worship; and a saying of his on that head is much celebrated by antient writers. He was engaged in a dispute with Lewis IX. of France, concerning the preference between sermons and masses: He maintained the superiority of the latter, and affirmed, that he would rather have one hour's conversation with a friend, than hear twenty the most elaborate discourses, pronounced in praise of him^y.

HENRY left two sons, Edward his successor, and Edmond earl of Lancaster; and two daughters, Margaret queen of Scotland, and Beatrix dutchess of Britanny. He had five other children, who died in their infancy.

Miscellaneous
transactions
of
this reign.

THE following are the most remarkable laws enacted during this reign. There had been great disputes between the civil and ecclesiastical courts about bastardy. The common law had deemed all those bastards who were born before wedlock: By the canon law they were legitimate: And when any dispute of inheritance arose, it had been formerly usual for the civil courts to issue writs to the spiritual, directing them to enquire into the legitimacy of the person. The bishop always returned an answer agreeable to the canon law, though contrary to the municipal law of the kingdom. For this reason, the civil courts had changed the nature of their writ, and instead of requiring the spiritual courts to enquire concerning the legitimacy of the person, they only proposed the simple question of fact, whether he was born before or after wedlock. The prelates complained of this practice to the parliament assembled at Merton in the twentieth of this king, and desired that the civil law might be rendered conformable to the canon: But received from all the nobility the memorable reply: *Nolumus leges Angliæ mutare.* We will not change the laws of England^z.

AFTER the civil wars, the parliament, summoned at Marlebridge, gave their approbation to most of the ordinances, which had been enacted by the reforming barons, and which, though advantageous to the security of the people, had not received the sanction of a proper authority. Among other laws, it was there enacted, that all appeals from the courts of inferior lords should be carried

^y Walsing. Edw. I. p. 43.
chap. 9.

^z Statute of Merton;

carried directly to the king's courts without passing through the courts of the lords immediately superior^A. It was ordained that money should bear no interest during the minority of the creditor^B. This law was very reasonable, as the estates of minors were always in the hands of their lords, and the debtors could not pay interest where they had no revenue. The charter of king John had granted this indulgence: It was omitted in that of Henry III. for what reason is unknown; but it was renewed in the statute of Marlebridge. Most of the other articles of this statute are calculated to restrain the oppressions of sheriffs, and the violences and iniquities committed in distraining cattle and other goods. Cattle and the instruments of husbandry composed at that time the chief riches of the people.

IN the 35th year of this king an assize was fixed of bread, the price of which was settled, according to the different prices of corn, from one shilling a quarter to seven shillings and sixpence^C. These great variations alone are a proof of bad tillage^D: Yet did the prices often rise much higher, than any taken notice of by the laws. The Chronicle of Dunstable tells us, that in this reign, wheat was once sold for a mark, nay for a pound a quarter; that is, three pounds of our present money^E. The same law affords us a proof of the little communication between the parts of the kingdom, from the very different prices which the same commodity bore at the same time. A brewer, says the statute, may sell two gallons of ale for a penny in cities, and three or four gallons for the same price in the country. At present, such commodities, by the great consumption of the people, and the great stocks of the brewers, are rather cheapest in cities. The Chronicle of Dunstable observes, that wheat one year was sold in many places for eight shillings a quarter, but never rose in Dunstable above a crown.

THOUGH

^A Statute of Marbel. chap. 20. ^B Id. chap. 16. ^C Statutes at large, p. 6. ^D We learn from Cicero's orations against Verres, lib. iii. cap. 84. 92. that the price of corn in Sicily was, during the prætorship of Sacerdos, five Denarii à Modius; during that of Verres, which immediately succeeded, only two Sesterces: That is, ten times lower; a presumption, or rather a proof, of the very bad state of tillage in antient times. ^E So also Knyghton, p. 244.

THOUGH commerce was still very low, it seems rather to have encreased since the conquest; at least, if we may judge of the encrease of money by the price of bread. The medium between the highest and lowest prices of wheat, assigned by the statute, is four shillings and three pence a quarter, that is, twelve shillings and nine pence of our present money. This is near the half of the middling price in our time. Yet the middling price of cattle, so late as the reign of king Richard, we found to be above eight, near ten times, lower than the present. Is not the true inference, from comparing these facts, that in all uncivilized nations, cattle, which propagate of themselves, bear always a lower price than corn, which requires more art and stock to raise it, than these nations are possessed of? It is to be remarked, that Henry's assize of corn was copied from a preceding assize established by king John; and consequently, the prices which we have here compared of corn and cattle may be looked on as contemporary; and they were drawn, not from one particular year, but from an estimation of the middling prices. It is true, the prices, assigned by the assize of Richard, were meant as a standard for the accompts of sheriffs and escheators; and as considerable profits were allowed to them, we may naturally suppose, that the common value of cattle was somewhat higher: Yet still, so great a difference between the prices of corn and cattle as that of four to one, compared to the present rates, affords important reflections concerning the very different state of industry and tillage in the two periods.

INTEREST had in that age amounted to an enormous height, as might be expected from the barbarism of the times and mens ignorance of commerce. There are instances of fifty per cent. paid for money^B. Such profits tempted the Jews to remain in England, notwithstanding the grievous oppressions to which they were continually exposed from the prevalent bigotry and rapine of the age. It is easy to imagine how precarious their state must be under an indigent prince, somewhat restrained in his tyranny over his native subjects, but who possessed an unlimited authority over them, the sole proprietors of money in the kingdom, and hated on account of their riches, their religion, and their usury: Yet will our ideas scarce come

^B M. Paris, p. 586. ^F M. Paris, p. 372.

come up to the extortions which in fact we shall find to have been practised upon them. In the year 1241, 20,000 marks were exacted from them^F: Two years after, money was again extorted; and one Jew alone, Aaron of York, was obliged to pay above 4000 marks^G: In 1250, Henry renewed his oppressions; and the same Aaron was condemned to pay him 30,000 marks, upon an accusation of forgery^H: The high penalty imposed upon him, and which, it seems, he was thought able to pay, is rather a presumption of his innocence than of his guilt. In 1255, the king demanded 8000 marks from the Jews, and threatened to hang them, if they refused compliance. They now lost all patience, and desired leave to retire with their effects out of the kingdom. But the king replied: "How can I remedy the oppressions you complain of? I am myself a beggar. I am despoiled, I am stripped, of all my revenues: I owe above 200,000 marks; and if I had said 300,000, I should not exceed the truth: I am obliged to pay my son, prince Edward, 15,000 marks a year: I have not a farthing; and I must have money, from any hand, from any quarter, or by any means." He then delivered over the Jews to the earl of Cornwall, that those whom the one brother had flead, the other might embowel, to make use of the words of the historian^I. King John, his father, once demanded 10,000 marks from a Jew of Bristol; and on his refusal, ordered one of his teeth to be drawn every day till he should consent. The Jew lost seven teeth; and then paid the sum required of him^K. One tallage laid upon the Jews in 1243 amounted to 60,000 marks^L.

To give a better pretence to extortions, the improbable and absurd accusation, which has been at different times advanced against that nation, was revived in England, that they had crucified a child in derision of our Saviour's sufferings. Eighteen of them were hanged at once for this crime^M: Though it is no wise credible, that even the antipathy borne them by the Christians, and the oppressions under which they laboured, would ever have pushed them to be guilty of that dangerous enormity. But
it

^F M. Paris, p. 372. ^G M. Paris, p. 410. ^H M. Paris, p. 525. ^I M. Paris, p. 606. ^K Ibid. p. 160. ^L Madox, p. 152. ^M M. Paris, p. 613.

CHAP. it is natural to imagine, that a race, exposed to such insults and indignities both from king and people, and who had so uncertain an enjoyment of their riches, would carry usury to the greatest extremities, and by their great profits make themselves some compensation for their continued perils.

XII.
1272.

COMMERCE must be in a wretched condition where interest was so high, and where the sole proprietors of money employed it only in usury, and were exposed to such rapine and injustice. But the bad police of the country was another obstacle to improvements; and rendered all communication dangerous, and all property precarious. The Chronicle of Dunstable says ^B, that men during this reign were never secure in their houses, and that whole villages were often plundered by bands of robbers, though no civil wars prevailed in the kingdom. In 1249, some years before the insurrection of the barons, two merchants of Brabant came to the king at Winchester, and told him, that they had been despoiled of all their goods by certain robbers, whom they knew, because they saw their faces every day in his court; that like practices prevailed all over England, and travellers were every day robbed, bound, wounded, and murdered; that these crimes escaped with impunity, because the ministers of justice themselves were in a confederacy with the robbers; and that they for their part, instead of bringing matters to a fruitless trial by law, were willing, though merchants, to try their cause with the robbers by arms and a duel. The king, provoked at these abuses, ordered a jury to be enclosed, and to try the robbers: The jury, though consisting of twelve men of property in Hampshire, were found to be also in a confederacy with the felons, and acquitted them. Henry in a rage committed the jury to prison, threatened them with severe punishment, and ordered a new jury to be enclosed, who, dreading the fate of their fellows, at last found a verdict against the criminals. Many of the king's own household were discovered to have participated in the guilt; and they said for their excuse, that they received no wages from him, and were obliged to rob for a maintenance ^C. *Knights and esquires*, says the Dictum of Kenilworth, *who were robbers, if they have no land, shall pay*

^B Vol. i. p. 155.

^C M. Paris, p. 509.

pay the half of their goods, and find sufficient security to keep henceforth the peace of the kingdom. Such were the manners of the times!

CHAP.
XII.

1272.

ONE can the less repine, during the prevalence of such manners, at the frauds and forgeries of the clergy; as it gives much less disturbance to society, to take men's money from them with their own consent, though by deceits and lies, than to ravish it by open force and violence. During this reign, the papal power was at its summit, and was even beginning insensibly to decline, by reason of the immeasurable avarice and extortions of the court of Rome, which disgusted the clergy as well as laity in every kingdom of Europe. England itself, though sunk in the deepest abyss of ignorance and superstition, had seriously entertained thoughts of shaking off the papal yoke^D; and the Roman pontiff was obliged to think of new expedients for rivetting it faster upon them. For this purpose, Gregory IX. published his decretals^E, which are a collection of forgeries, favourable to the court of Rome, and consist of the supposed decrees of popes in the first centuries. But these forgeries are so gross, and confound so palpably all language, history, chronology, and antiquities; matters more stubborn than any speculative truths whatever; that even that church, which is not startled at the most monstrous contradictions and absurdities, has been obliged to abandon them to the critics. But in the dark age of the thirteenth century, they passed for undisputed and authentic; and men, entangled in the mazes of this false literature, joined to the philosophy, equally false, of the times, had nothing wherewithal to defend themselves, but some small remains of common sense, which passed for profaneness and impiety, and the indelible regard to self-interest, which, as it was the sole motive in the priests for framing these impostures, served also, in some degree, to protect the laity against them.

ANOTHER expedient, devised by the church of Rome in this period for securing her power, was the institution of new religious orders, chiefly the Dominicans and Franciscans, who proceeded with all the zeal and success that attend novelties; were better qualified to gain the populace than the old orders, now become rich and indolent; maintained a perpetual rivalry with each other in

^D M. Paris, p. 421.

^E Trivet, p. 191.

CHAP. in promoting their gainful superstitions; and acquired a great dominion over the minds, and consequently over the purses of men, by counterfeiting a desire of poverty and a contempt for riches. The quarrels, which arose between these orders, lying still under the controul of the sovereign pontiff, never disturbed the peace of the church, and served only as a spur to their industry in promoting the common cause; and though the Dominicans lost some popularity by their denial of the immaculate conception, a point in which they unwarily engaged too far to be able to recede with honour, they counterbalanced this disadvantage by acquiring more solid establishments, by gaining the confidence of kings and princes, and by exercising the jurisdiction assigned them, of ultimate judges and punishers of heresy. Thus, the several orders of monks became a kind of regular troops or garrisons of the Romish church; and though the temporal interests of society, still more those of true piety, were hurt by their various devices to catch the populace, they proved the chief supports of that mighty fabric of superstition, and, till the revival of true learning, secured it from any dangerous invasion.

THIS king granted a charter to the town of Newcastle, where he gives the inhabitants a licence to dig coals. This is the first mention of coals in England.

WE learn from Madox^P, that this king gave at one time 100 shillings to master Henry, his poet: Also the same year he orders this poet ten pounds.

^P P. 268.

CHAP.

C H A P. XIII.

E . D W A R D I.

*Civil administration of the king—Conquest of Wales—
Affairs of Scotland—Competitors for the crown of
Scotland—Reference to Edward—Homage of Scot-
land—Award of Edward in favour of Baliol—
War with France—Digression concerning the consti-
tution of parliament—War with Scotland—Scot-
land subdued—War with France—Diffensions with
the clergy—Arbitrary measures—Peace with France
—Revolt of Scotland—That kingdom again subdued—
again revolts—is again subdued—Robert Bruce—
Third revolt of Scotland—Death and character of the
king—Miscellaneous transactions of this reign.*

THE English were as yet so little trained to obedience under a regular government, that the death of almost every king, since the conquest, had been attended with disorders; and the council, reflecting on the recent civil wars, and on the animosities which naturally remain after these great convulsions, had reason to apprehend very dangerous consequences from the absence of the son and successor of Henry. They therefore hastened to proclaim prince Edward, to swear allegiance to him, and to summon the states of the kingdom, in order to provide for the public peace in this important conjuncture^A. Walter Giffard, archbishop of York, the earl of Cornwall, son of Richard, king of the Romans, and the earl of Gloucester, were appointed guardians of the kingdom, and proceeded peaceably to the exercise of their authority, without either meeting with opposition from any of the people, or being disturbed with emulation and faction among themselves. The high character acquired by Edward during the late commotions, his military genius, his success in subduing the rebels, his moderation in settling the kingdom, had procured him great esteem, mixed with affection, among all orders of men; and no one could reasonably entertain hopes of making any advantage of his absence, or of raising disturbance in the nation.

C H A P.
XIII.

1272.

^A Rymer, vol. ii. p. 1. Walsing. p. 43. Trivet, p. 239.

CHAP. XIII. tion. The earl of Gloucester, himself, whose great power, and turbulent spirit, had excited most jealousy, was forward to give proofs of his allegiance; and any malcontents, who remained, being destitute of a leader, were obliged to remain in submission to the government.

1272.

PRINCE Edward had reached Sicily in his return from the Holy Land, when he received information of the death of his father; and he discovered a deep concern on this occasion. At the same time he learned the death of an infant son, John, whom his princess, Eleanor of Castile, had borne him at Acre in Palestine; and as he appeared much less affected with that misfortune, the king of Sicily expressed a surprize at this difference of sentiment: But was told by Edward, that the death of a son was a loss which he might hope to repair; the death of a father was a loss irreparable^B.

EDWARD proceeded homewards; but as he soon learned the quiet settlement of the kingdom, he was in no hurry to take possession of the throne, but spent near a year in France, before he made his appearance in England. In his passage by Chalons in Burgundy, he was challenged by the prince of that country to a tournament which he was preparing; and as Edward excelled in these martial and dangerous exercises, the true image of war, he declined not the opportunity of acquiring honour and renown in that great assembly of the neighbouring nobles. But the image of war was here unfortunately turned into the thing itself. Edward and his retinue were so successful in the jousts, that the French knights, provoked at their superiority, made a serious attack upon them, which was repulsed, and much blood was idly shed in the quarrel^C. This rencounter received the name of the petty battle of Chalons.

1274.

EDWARD went from Chalons to Paris, and did homage to Philip for the dominions which he held in France^B. He thence returned to Guienne, and gave a settlement to that province, which was in some confusion. He made his journey to London through France; in his passage he accommodated at Montreuil a difference with Margaret, countess of Flanders, heiress of that territory^E; he was received

^B Walsing. p. 44. Trivet, p. 240.
Trivet, p. 241. M. West. p. 402.

^C Walsing. p. 44.
^D Walsing. p. 45.

^E Rymer, vol. ii. p. 32, 33.

received with joyful acclamations by his people, and was solemnly crowned at Westminster by Robert, archbishop of Canterbury.

C H A P.
XIII.

THE king immediately applied himself to the re-establishment of his kingdom, and to the correcting of those disorders, which the civil commotions and the loose administration of his father had introduced into every part of government. The plan of his policy was equally generous and prudent. He considered the great barons both as the immediate rivals of the crown, and the oppressors of the people; and he proposed by an exact distribution of justice, and a rigid execution of the laws, to give at once protection to the inferior orders of the state, and to diminish the arbitrary power of the great, on which their dangerous authority was chiefly founded. Making it a rule in his own conduct to observe, except on extraordinary occasions, the privileges secured to them by the great charter, he acquired a right to insist upon their observance of the same charter towards their vassals and inferiors; and he made the crown be regarded by all the gentry and commonalty of the kingdom, as the great fountain of justice, and the general asylum against oppression. Besides enacting several excellent statutes, in a parliament which he summoned at Westminster, he took care to inspect the conduct of all his magistrates and judges, to displace such as were either negligent or corrupt, to provide them with sufficient force for the execution of justice, to extirpate all bands and confederacies of robbers, and to repress those more silent robberies, which were committed either by the power of the nobles, or under the countenance of public authority. By this rigid administration, the face of the kingdom was soon changed; and order and justice took place of violence and oppression: But amidst the excellent institutions and public-spirited plans of Edward, there still appears somewhat both of the severity of his personal character, and of the prejudices of the times.

1274.
19th Aug.
Civil administration of the king.

1275.
16th Feb.

As the various kinds of malefactors, the murderers, robbers, incendiaries, ravishers, and plunderers, had become so numerous, and powerful, that the ordinary ministers of justice, especially in the western counties, were afraid to execute the laws against them, the king found it necessary to provide an extraordinary remedy for the evil; and he erected a new tribunal, which, however useful,

would

CHAP.

XIII.

1275.

would have been deemed, in times of more regular liberty, a great stretch of illegal and arbitrary power. It consisted of commissioners, who were empowered to enquire into disorders and crimes of all kinds, and to inflict the proper punishments upon them. The officers, charged with this unusual commission, made their circuits throughout the counties of England most infected with this evil, and carried terror into all those parts of the kingdom. In their zeal to punish crimes, they did not sufficiently distinguish between the innocent and guilty; the smallest suspicion became the ground of accusation and trial; the slightest evidence was received against criminals; the prisons were crowded with malefactors, real or pretended; severe fines were levied for small offences; and the king, tho' his exhausted exchequer was supplied by this expedient, found it necessary to stop the course of so great rigour, and after terrifying and dissipating by this tribunal the gangs of disorderly people in England, he very prudently annulled the commission^z: and never afterwards renewed it.

AMONG the various disorders, to which the kingdom was subject, no one was more universally complained of than the adulteration of the coin; and as this crime required more art than the English of that age, who chiefly employed force and violence in their iniquities, were possessed of, the imputation fell upon the Jews^A. Edward also seems to have indulged a strong propoession against that nation; and this ill-judged zeal for Christianity being naturally augmented by an expedition to the Holy Land, he let loose the whole rigour of his justice against this unhappy people. Two hundred and eighty of them were hanged at once for this crime in London alone; besides those who suffered in other parts of the kingdom^B. The houses and lands, (for the Jews had of late ventured to make purchases of that kind) as well as the goods of great multitudes, were sold and confiscated: And the king, lest it should be suspected, that the riches of the sufferers were the chief part of their guilt, ordered one half

^N Spelman's Gloss. in verbo *Trailbaston*. But Spelman was either mistaken in placing this commission in the fifth year of the king, or it was renewed in 1305. See Rymer, vol. ii. p. 960. Trivet, p. 338. M. West, p. 450. ^A Walsing. p. 48. Heming, vol. i. p. 6. ^B T. Wykes, p. 107.

half of the money, raised by these confiscations, to be set apart, and bestowed upon such as were willing to be converted to christianity. But the resentment of their injuries was more prevalent over them, than the temptation from their poverty; and very few of them could be induced by interest to embrace the religion of their persecutors. The miseries of this people did not here terminate. Though the arbitrary talliages and exactions levied upon them, had yielded a constant and a considerable revenue to the crown; Edward, prompted by his zeal and his rapacity, resolved some time after^C to purge the kingdom entirely of that hated race, and to seize to himself at once their whole property as the reward of his labour^D. He left them only money sufficient to bear their charges into foreign countries, where new persecutions and extortions awaited them: But the inhabitants of the cinque ports, imitating the bigotry and avidity of their sovereign, despoiled most of them of this small pittance, and even threw many of them into the sea: A crime, for which the king, who was determined to be the sole plunderer in his dominions, inflicted a capital punishment upon them. No less than fifteen thousand Jews were at this time robbed of their effects and banished the kingdom: Very few of that nation have since lived in England: And as it is impossible for a kingdom to subsist without lenders of money, and none will lend without a compensation, the practice of usury, as it was then called, was thenceforth exercised by the English themselves upon their fellow-citizens, or by Lombards and other foreigners. It is very much to be questioned, whether the dealings of these new usurers were equally open and unexceptionable with those of the old. By a law of Richard, it was enacted, that three copies should be made of every bond given to a Jew; one to be put into the hands of a public magistrate, another into those of a man of credit, and a third to remain with the Jew himself^E. But as the canon law, seconded by the municipal, permitted no christian to receive interest, all transactions of this kind must, after the banishment of the Jews, have become more secret and clandestine, and the lender, of consequence, be paid both for the use of

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his

^C In the year 1290. ^D Walsing. i. p. 54. Heming. vol. i. p. 20. Trivet, p. 266. ^E Trivet, p. 128.

C H A P. his money, and for the infamy and danger which he incurred by lending it.

XIII.

1275.

THE great poverty of the crown, though no excuse, was probably the cause of this egregious tyranny exercised against the Jews; but Edward practised also other more honourable means of remedying that evil. He employed a strict frugality in the management and distribution of his revenue: He engaged the parliament to vote him a fifteenth of all moveables: the pope to grant him the tenth of all ecclesiastical revenues for three years; and the merchants to consent to a perpetual imposition of half a mark on every sack of wool exported, and a mark on three hundred skins. He also issued commissions to enquire into all encroachments on the royal demense; into the value of escheats, forfeitures, and wardships; and into the means of repairing or improving every branch of the revenue^F. The commissioners, in the execution of their office, began to carry matters too far against the nobility, and to question the title to estates which had been transmitted from father to son for several generations. Earl Warrene, who had done such eminent service in the late reign, being required to shew his titles; drew his sword, and subjoined, that William, the bastard, had not conquered the kingdom for himself alone; his ancestor was a joint adventurer in the enterprise; and he himself was determined to maintain what had from that period remained unquestioned in his family. The king, sensible of the danger, very prudently desisted from making farther enquiries of this nature.

1276.

**Conquest
of Wales.**

BUT the active spirit of Edward could not long remain without employment. He soon after undertook an enterprize more safe for himself, and more advantageous to his people. Lewellyn, prince of Wales, had been deeply engaged with the Mountfort faction; had entered into all their conspiracies against the crown; had frequently fought on their side; and till the battle of Evesham, so fatal to that party, had employed every expedient to depress the royal cause, and to promote the success of the barons. In the general accommodation, made with the vanquished, Lewellyn had also obtained his pardon; but as he was the most powerful, and therefore the most obnoxious vassal of the crown, he had reason to entertain

^F Ann. Waverl. p. 235.

entertain anxiety about his situation, and to dread the future effects of resentment and jealousy in the English monarch. For this reason, he had determined to provide for his security by maintaining a secret correspondence with his former associates; and he even made his addresses to a daughter of the earl of Leicester, who was sent to him from beyond sea, but being intercepted in her passage near the isles of Scilly, was detained in the court of England^G. This incident encreasing the mutual jealousy between Edward and Lewellyn, the latter, when required to come to England, and do homage to the new king, scrupled to put himself into the hands of an enemy, desired a safe conduct from Edward, insisted upon having the king's son and other noblemen delivered to him as hostages, and demanded, that his spouse should be previously set at liberty^H. The king, having now brought the state to a full settlement, was not displeased with this occasion of exercising his authority, and subduing entirely the principality of Wales. He refused all Lewellyn's demands, except that of a safe conduct; sent him repeated summons to perform the duty of a vassal; levied an army to reduce him to obedience; obtained a new aid of a fifteenth from parliament; and marched out with certain assurance of success against the enemy. Besides the great disproportion of force between the kingdom and principality, the circumstances of the two states were entirely reversed; and the same intestine dissensions which had formerly weakened England, now prevailed in Wales, and had even taken place in the reigning family. David and Roderic, brothers to Lewellyn, had been dispossessed of their inheritance by their prince, had been obliged to have recourse to the protection of Edward, and they seconded with all their interest, which was extensive, his attempts to enslave their native country. The Welsh prince had no other resource but in the inaccessible situation of his mountains, which had hitherto, through many ages, defended his forefathers against all the attempts of the Saxon and Norman conquerors; and he retired among the hills of Snowdon, resolute to defend himself to the last extremity. But Edward, equally vigorous and cau-

1277

Q 2

tious,

^G Walsing. p. 46, 47. Heming. vol. i. p. 5. Trivet, p. 248. ^H Rymer, vol. ii. p. 68. Walsing. p. 46. Trivet, p. 247.

CHAP. tious, entering by the north with a formidable army, pierced into the heart of the country; and having carefully explored every road before him, and secured every pass behind, approached the Welsh army in its last retreat. He here avoided the putting to trial the valour of a nation, proud of its antient independence, and enflamed with animosity against its hereditary enemies; and he trusted to the slow, but sure effects of famine, for reducing that people to subjection. The rude and simple manners of the natives, as well as the mountainous situation of their country, had made them entirely neglect tillage, and trust to pasturage alone for their subsistence: A method of life which had hitherto secured them against the irregular attempts of the English, but exposed them to certain ruin, when the conquest of the country was steadily pursued, and prudently planned by Edward. Destitute of magazines, cooped up in a narrow corner, they and their cattle suffered equally from famine; and Lewellyn, without being able to strike a stroke for his independence, was at last obliged to submit at discretion.

1277.
19th Nov. and receive the terms imposed upon him by the victor ^I. He bound himself to pay to Edward 50,000*l.* as reparation of damages; to do homage to the crown of England; to permit all the other barons of Wales, except four near Snowdun, to swear fealty to the same crown; to relinquish the country between Cheshire and the river Conway; to settle on his brother Roderic a thousand marks a year, and on David five hundred; and to deliver ten hostages for security of his future submission ^K.

EDWARD, on the performance of the other articles, remitted to the prince of Wales the payment of the 50,000*l.* ^L which were stipulated by treaty, and which, it is probable, the poverty of the country made it absolutely impossible for him to levy. But complaints of other hardships soon arose on the side of the vanquished: The English, insolent on their easy and bloodless victory, oppressed the inhabitants of the districts which were yielded to them: The lords marchers committed with impunity all kinds of violence on their Welsh neighbours: New and more severe terms were imposed on
Lewellyn

^I T. Wykes, p. 105. ^K Rymer, vol. ii. p. 88. Walsing. p. 47. Trivet, p. 251. T. Wykes, p. 106. ^L Rymer, p. 92.

1277.

Lewellyn himself; and Edward, when the prince attended him at Worcester, exacted a promise that he would retain no person in his principality who should be disagreeable to the English monarch^M. There were other personal insults, which raised the indignation of the Welsh; and made them determine rather to encounter a force, which they had already experienced to be so much superior, than to bear any longer the oppression of the haughty victors. Prince David, seized with the national spirit, made peace with his brother, and promised to concur in the defence of public liberty. The Welsh flew to arms; and Edward, not displeased with the occasion of making his conquest final and absolute, summoned together all his military tenants, and advanced into Wales with an army, which the inhabitants could not reasonably hope to resist. The situation of the country gave the Welsh at first some advantage over Luke de Tany, one of Edward's captains, who had passed the Menau with a detachment^N. But Lewellyn, being surprized by Mortimer, was defeated and slain in an action, and 2000 of his followers were put to the sword^O. David, who succeeded him in the principality, could never collect an army sufficient to face the English; and being chased from hill to hill, and hunted from one retreat to another, was obliged to conceal himself under various disguises, and was at last betrayed in his lurking-place to the enemy. Edward sent him in chains to Shrewsbury; and bringing him to a formal trial before all the peers of England, ordered this sovereign prince to be hanged, drawn, and quartered, as a traitor, for defending by arms the liberties of his native country, together with his own hereditary authority^P. All the Welsh nobility submitted to the conqueror; the laws of England, with the sheriffs and other ministers of justice, were established in that principality; and though it was long before national antipathies were extinguished, and a thorough union accomplished between the people, yet this important conquest, which it had required eight hundred years

fully

^M Dr. Powell's Hist. of Wales, p. 344, 345. ^N Walsing. p. 50. Heming. vol. i. p. 9. Trivet, p. 258. T. Wykes, p. 110. ^O Heming. vol. i. p. 11. Trivet, p. 257. Ann. Waverl. p. 235. ^P Heming. vol. i. p. 12. Trivet, p. 259. Ann. Waverl. p. 238. T. Wykes, p. 111. M. West. p. 411.

fully to effectuate, was at last, through the abilities of Edward, compleated by the English.

THE king, sensible that nothing kept alive the ideas of military valour and of antient glory, so much as the traditional poetry of the people, which, assisted by the power of music, and the jollity of festivals, made deep impression on the minds of the youth, gathered together all the Welsh bards, and from a barbarous, though not absurd policy, ordered them to be put to death.

THERE prevails a vulgar story, which, as it suits exactly the capacity of the monkish writers, is carefully recorded by them: That Edward assembling the Welsh, promised to give them a prince of unexceptionable manners, a Welshman by birth, and one who could speak no other language. On their acclamations of joy, and promise of obedience, he invested in the principality his second son Edward, then an infant, who had been born at Carnarvon. The death of his eldest son Alfonso, soon after, made young Edward heir of the monarchy: The principality of Wales was fully annexed to the crown; and henceforth gives a title to the eldest son of the kings of England.

1286.

THE settlement of Wales appeared so complete to Edward, that in less than two years after, he went abroad in order to make peace between Alphonso, king of Arragon, and Philip le Bel, who had newly succeeded his father Philip le Hardy in the throne of France^R. The difference between these two princes had arisen about the kingdom of Sicily, which the pope, after his hopes from England failed him, had bestowed on Charles, brother to St. Lewis, and which was claimed upon other titles, by Peter king of Arragon, father to Alphonso. Edward had powers from both princes to settle the peace, and he succeeded in his endeavours; but as the controversy no wise regards England, we shall not enter into a detail of it. He stayed abroad above three years; and on his return, found many disorders to have prevailed, both from open violence, and from the corruption of justice.

THOMAS CHAMBERLAIN, a gentleman of some note, had assembled several of his associates at Boston, in

^R Sir J. Wynne, p. 15. ^R Rymer, vol. ii. p. 149, 150, 174.

in Lincolnshire, under pretence of holding a tournament, **CHAP. XIII.** an exercise practised by the gentry only; but in reality with a view of plundering the rich fair of Boston, and robbing the merchants. To facilitate his purpose, he privately set fire to the town; and while the inhabitants were employed in quenching the flames, the conspirators broke into the booths, and carried off the goods. Chamberlain himself was detected and hanged; but maintained so steadily the point of honour to his accomplices, that he could not be prevailed with, by any offers or promises, to discover any of them. Many other instances of robbery and violence broke out, in all parts of England; though the singular circumstances, attending this conspiracy, have made it alone be particularly recorded by historians^s. **1286.**

BUT the corruption of the judges, by which the fountains of justice were poisoned, seemed still of more dangerous consequence. Edward, in order to remedy this prevailing abuse, summoned a parliament, and brought the judges to a trial, where all of them, except two, who were clergymen, were convicted of this flagrant iniquity, were fined, and deposed from their office. The amount of the fines levied upon them, is alone a sufficient proof of their guilt; being above one hundred thousand marks, an immense sum in those days, and sufficient to defray the charges of an expensive war between two great kingdoms. The king afterwards made all the new judges swear, that they would take no bribes; but his expedient, of deposing and fining the old ones, was the more effectual remedy. **1289.**

WE come now to give an account of the affairs of Scotland, which form the most interesting transaction of this reign, and of some of the subsequent; though the intercourse of that kingdom with England, either in peace or war, had hitherto produced so few events of moment, that to avoid tediousness, we have omitted many of them, and have been very concise in relating the rest. If the Scots had, before this period, any real history, worthy of the name, except what they glean from scattered passages of the English historians, these events, however minute, yet being the only foreign transactions of the nation, might deserve a place in it.

THOUGH

^s Heming, vol. i. p. 16, 17.

CHAP.
XIII.1289.
Affairs of
Scotland.

THOUGH the government of Scotland had been continually exposed to those factions and convulsions, which are incident to all barbarous, and to many civilized nations; and though the successions of their kings, the only part of their history which deserves any credit, had been often disordered by irregularities and usurpations; the true heir of the royal family had still in the end prevailed, and Alexander III. who had espoused Edward's sister, probably inherited, after a period of above eight hundred years, and through a succession of males, the scepter of all the Scottish princes, who had governed the nation, since its first establishment in the island. This prince died in 1286 by a fall from his horse at Kinghorn^T, without leaving any male issue, and without any descendants, except Margaret, born of Eric, king of Norway, and of Margaret, daughter of the Scottish monarch. This princess, commonly called the maid of Norway, though a female, and an infant, and a foreigner, yet being the lawful heir of the kingdom, had, through her grandfather's care, been recognized successor by the states of Scotland^U; and on Alexander's death, the dispositions, which had been previously made against that event, appeared so just and prudent, that no disorders, as might naturally be apprehended, ensued in the kingdom. Margaret was acknowledged queen of Scotland; five guardians, the bishops of St. Andrews and Glasgow, the earls of Fife and Buchan, and James, steward of Scotland, entered peaceably upon the administration; and the infant princess, under the protection of Edward, her great uncle, and Eric, her father, who exerted themselves on this occasion, seemed firmly seated on the throne of Scotland. The English monarch was naturally engaged to build mighty projects on this event; and having lately, by force of arms, brought Wales under subjection, he attempted, by the marriage of Margaret with his eldest son, Edward, to unite the whole island into one monarchy, and thereby to give it security both against domestic convulsions and foreign invasions. The amity, which had of late prevailed between the two nations, and which, even in former times, had never been interrupted by any violent wars or injuries, facilitated extremely the execu-

1290.

^T Heming. vol. i. p. 29. Trivet, p. 267.
vol. ii. p. 266.

^U Rymer,

execution of this project, so favourable to the happiness and grandeur of both kingdoms; and the states of Scotland readily gave their assent to the English proposals, and even agreed, that their young sovereign should be educated in the court of Edward. Anxious, however, for the liberty and independency of their country, they took care to stipulate very equitable conditions, ere they entrusted themselves into the hands of so great and so ambitious a monarch; that they should enjoy all their antient laws, liberties, and customs, that in case young Edward and Margaret should die without issue, the crown of Scotland should revert to the next heir, and should be inherited by him free and independent; that the military tenants of the crown should never be obliged to go out of Scotland, in order to do homage to the sovereign of the united kingdoms, nor the chapters of cathedral, collegiate or conventual churches, in order to make elections; that the parliaments, summoned for Scots affairs, should always be held within the bounds of that kingdom; and that Edward should bind himself, under the penalty of 100,000 marks, payable to the pope for the use of the holy wars, to observe all these articles^x. It is not easy to conceive that two nations could have treated more on a footing of equality than Scotland and England maintained during the course of this whole transaction: And though Edward gave his assent to the article, concerning the future independency of the Scottish crown, with a *saving of his former rights*; this reserve gave no alarm to the nobility of Scotland, both because these rights, having been hitherto little heard of, had occasioned no disturbance, and because the Scots had so near a prospect of seeing them entirely absorbed in the rights of their sovereignty.

BUT this project, so happily formed and so amicably conducted, failed of success, by the sudden death of the Norwegian princess, who expired on her passage to Scotland^y, and left a very dismal prospect to the kingdom. Though disorders were for the present obviated by the authority of the regency formerly established, the succession of the crown itself was now become an object of dispute; and the regents could not expect, that a controversy, which is not usually decided by reason and argument

^x Rymer, vol. ii. p. 482. Trivet, p. 268.

^y Heming. vol. i. p. 30.

CHAP. XIII. ^{1291.} gument alone, would be peaceably settled by them, or even by the states of the kingdom, amidst so many powerful pretenders. The posterity of William, king of Scotland, the prince taken prisoner by Henry II. being all extinct by the death of Margaret of Norway; the right to the crown devolved on the line of David, earl of Huntingdon, brother to William, whose male line, being also extinct, left the succession open to the posterity of his daughters. The earl of Huntingdon had three daughters; Margaret, married to Alan, lord of Galloway, Isabella, wife of Robert Brus or Bruce, lord of Annandale, and Adama, who espoused Henry, lord Hastings. Margaret, the eldest of the three sisters, left one daughter, Devergilda, married to John Baliol, by whom she had a son of the same name, one of the present candidates for the crown: Isabella the second bore a son, Robert Bruce, who was now alive, and also insisted on his claim; Adama the third left a son, John Hastings, who pretended that the kingdom of Scotland, like many other inheritances, was divisible among the three daughters of the earl of Huntingdon, and that he, in the right of his mother, had a title to the third of it. Baliol and Bruce united against Hastings, in maintaining that the kingdom was impartible; but each of them, supported by plausible reasons, asserted the preference of his own title. Baliol was sprung from the elder branch; Bruce was one degree nearer the common stock: If the right of representation was regarded, the former had the better claim: If propinquity was considered, the latter was entitled to the preference²: The sentiments of men were divided: All the nobility had taken part with one side or the other: The people followed implicitly their leaders: The two claimants themselves had great power and numerous retainers in Scotland: And it is no wonder, that among a rude people, more accustomed to arms than enured to laws, a controversy of this nature, which could not be decided by any former precedent among them, and which is capable of exciting commotions in the most legal and best established governments, should threaten the state with the most fatal convulsions.

EACH age has its peculiar mode in conducting business; and men, guided more by custom than by reason, follow,

² Heming. vol. i. p. 36.

follow; without enquiry, the manners, which are prevalent in their own time. The present practice, in the controversies between states and princes, seems to have been to choose a foreign prince, as an equal arbiter, by whom the question was decided, and whose sentence prevented those dismal confusions and disorders, inseparable at all times from war, but which were multiplied an hundred fold, and dispersed into every corner, by the nature of the feudal governments. It was thus that the English king and barons, in the foregoing reign, had endeavoured to compose their domestic dissensions by a reference to the king of France; and the celebrated integrity of that monarch had prevented all the bad effects, which might naturally have been dreaded from so perilous an expedient. It was thus, that the kings of France and Arragon, and afterwards other princes, had submitted their controversies to Edward's judgment; and the remoteness of their states, the great power of the princes, and the little interest, which he had on either side, had induced him to acquit himself with honour in his decisions. The parliament of Scotland, therefore, threatened with a furious civil war, and allured by the great reputation of the English monarch, as well as by the present amicable correspondence between the kingdoms, agreed in making a reference to Edward; and Fraser, bishop of St. Andrews, with other deputies, was sent to notify to him their resolution, and to claim his good offices in the present dangers to which they were exposed ^A. His inclination, they flattered themselves, led him to prevent their dissensions, and to interpose with a power, which none of the competitors would dare to withstand: When this expedient was proposed by one party, the other deemed it dangerous to object to it: Indifferent persons thought that the imminent perils of a civil war would thereby be prevented: And no one reflected on the ambitious character of Edward, and the almost certain ruin, which must attend a small state, divided by factions, when it thus implicitly submits itself to the will of so powerful and encroaching a neighbour.

THE temptation was too strong for the virtue of the English monarch to resist. He proposed to lay hold of the present favourable opportunity, and if not to create, at

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^A Heming, vol. i. p. 31.

CHAP. at least to revive, his claim of a feudal superiority over
XIII. Scotland; a claim which had hitherto lain in the deepest
 { obscurity, and which, if ever it had been an object of
 1291. attention, or had been so much as suspected, would have
 effectually prevented the Scottish barons from choosing
 him for an umpire. He well knew, that, if this pre-
 tension was once submitted to, as it seemed difficult in the
 present situation of Scotland to oppose it, the absolute
 sovereignty of that kingdom (which had been the case
 with Wales) would soon follow; and that one great vassal,
 cooped up in an island with his liege lord, without re-
 source from foreign powers, without aid from any fellow
 vassals, could not long maintain his dominions against the
 efforts of a mighty kingdom, assisted by all the cavils
 which the feudal law afforded his superior against him.
 In pursuit of this great object, very advantageous to Eng-
 land, perhaps in the end no less beneficial to Scotland,
 but extremely unjust and iniquitous in itself, Edward bu-
 sied himself in searching for proofs of his intended su-
 periority; and instead of looking into his own archives,
 which, if his claim had been real, must have afforded
 him numerous records of the homages done by the Scot-
 tish princes, and could alone yield him any authentic
 testimony, he made all the monasteries be ransacked for
 old chronicles and histories wrote by Englishmen, and he
 collected all the passages, which seemed any wise to fa-
 vour his pretensions^b. Yet even in this method of pro-
 ceeding, which must have discovered to himself the in-
 justice of his claim, he was far from being fortunate.
 He began his proofs from the time of Edward the elder,
 and continued them through all the Saxon and Norman
 times; but produced nothing to his purpose^c. The
 whole amount of his authorities during the Saxon period,
 when stripped of the bombast and inaccurate style of the
 monks, is, that the Scots had sometimes been defeated
 by the English, had received peace on disadvantageous
 terms, had made submissions to the English monarchy,
 and had even perhaps fallen into some dependence on a
 power, which was so much superior, and which they had
 not at that time sufficient force to resist. His authorities
 from the Norman period were, if possible, still less con-
 clusive: The historians indeed make frequent mention of

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^b Walsing. p. 55.^c Rymer, vol. ii. p. 559.

an homage done by the northern potentate; but no one of them says that it was done for his kingdom, and several of them declare, in express terms, that it was relative only to the fiefs which he enjoyed south of the Tweed^D; in the same manner, as the king of England himself swore fealty to the French monarch, for the fiefs which he inherited in France. And to such scandalous shifts was Edward reduced, that he quotes a passage from Hoveden^E, where it is asserted, that a Scottish king had done homage to England; but he purposely omits the latter part of the sentence, which expresses that this prince did homage for the lands, which he held in England.

WHEN William, king of Scotland, was taken prisoner in the battle of Alnwick, he was obliged, for the recovery of his liberty, to swear fealty to the victor for his own crown itself. The deed was performed according to all the rites of the feudal law: The record was preserved in the English archives, as well as mentioned by all the historians: But as it is the only one of the kind, and as historians speak of this superiority as a great acquisition gained by the fortunate arms of Henry II.^F there can remain no doubt, that the kingdom of Scotland was, in all former periods, entirely free and independent. Its subjection continued a very few years: King Richard, desirous, before his departure for the Holy Land, to conciliate the friendship of William, renounced that homage, which, he says in express terms, had been extorted by his father; and he only retained the usual homage which had been done by the Scottish princes for the lands, which they held in England.

BUT though this transaction rendered the independence of Scotland still more unquestionable, than if no fealty had ever been sworn to the English crown; the Scottish kings, apprized of the point aimed at by their powerful neighbours, seem for a long time to have retained some jealousy on that head, and in doing homage, to have anxiously obviated all such pretensions. When William in 1200 did homage to John at Lincoln, he was careful to insert a salvo for his royal dignity^G: When Alexander

^D Hoveden, p. 492, 662. M. Paris, p. 109. M. Westm. p. 256. ^E P. 662. ^F Neubr. lib. ii. cap. 4. Knyghton, p. 2392. ^G Hoveden, p. 811.

CHAP. under III. sent assistance to his father-in-law, Henry III. XIII. during the barons wars, he previously procured an acknowledgment, that this aid was only granted from friendship, not from any right claimed by the English monarch^H: And when the same prince was invited to assist at the coronation of this very Edward, he declined attendance, till he received a like acknowledgment^I.

1291.

BUT as all these reasons, (and stronger, could not be produced) were but a feeble rampart against the power of the sword, Edward, carrying with him a great army, which was to enforce his proofs, advanced to the frontiers, and invited the Scots parliament and all the competitors to attend him in the castle of Norham, a place situated on the southern banks of the Tweed, in order to determine that cause, which had been referred to his arbitration. But though this deference seemed due to so great a monarch, and was no more than what his father and the English barons had, in similar circumstances, paid to Lewis IX. the king, careful not to give umbrage, and determined never to produce his claim, till it should be too late to think of opposition, sent the Scottish barons an acknowledgment, that, though at this time they passed the frontiers, such a step should never be drawn into precedent, nor afford the English kings a pretence for exacting a like submission in any future transactions^A.

10th May.

When the whole Scottish nation had thus unwarily put themselves in his power, Edward opened the conference at Norham; and informed the parliament, by the mouth of Roger le Brabançon, his chief justiciary, that he was come thither to determine the right among the competitors to their crown; that he was determined to do strict justice to all parties; and that he was intitled to this authority, not in virtue of the reference made to him, but in quality of superior and liege lord of the kingdom^B.

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^H Rymer, vol. ii. p. 844. ^I See note at the end of the volume. ^A Rymer, vol. ii. p. 539, 845. Walsing. p. 156.

^B Rymer, vol. ii. p. 543. It is remarkable that the English chancellor spoke to the Scots parliament in the French tongue. This was also the language commonly made use of by all parties on that occasion. Ibid. passim. The most considerable of the Scots, as well as almost all the English barons, were of French origin; they valued themselves upon it; and pretended to despise the language and manners of the island.

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He then produced his proofs of this superiority, which he pretended to be unquestionable, and he required of them an acknowledgment of it; a demand, which was superfluous if the fact was already known and avowed, and which plainly betrayed Edward's consciousness of his lame and defective title. The Scots parliament were astonished at so new a pretension, and answered only by their silence. But the king, in order to maintain the appearance of free and regular proceedings, desired them to remove into their own country, to deliberate upon his claim, to examine his proofs, to propose all their objections, and then to inform him of their resolutions: And he appointed a plain at Upsettleton, on the northern banks of the Tweed, for that purpose.

WHEN the Scottish barons assembled in this place, though moved with indignation at the injustice of this unexpected claim, and at the fraud with which it had been conducted, they found themselves betrayed into a situation, in which it was impossible for them to make any defence for the antient liberty and independence of their country. The king of England, a martial and politic prince, at the head of a powerful army, lay at a very small distance, and was only separated from them by a river fordable in many places. Though by a sudden flight some of them might themselves be able to make their escape; what hopes could they entertain of securing the kingdom against his future enterprizes? Without a head, without union among themselves, attached all of them to different competitors, whose title they had rashly submitted to the decision of this foreign usurper, and who were thereby reduced to an absolute dependence upon him; they could only expect by resistance to entail on themselves and their posterity a more grievous and destructive servitude. Yet even in this desperate state of their affairs, the Scottish barons, as we learn from Wals-

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It is difficult to account for the settlement of so many French families in Scotland, the Bruces, Baliols, St. Clairs, Montgomeries, Somervilles, Gordons, Frazers, Cummins, Colvilles, Umfrevilles, Mowbrays, Hayes, Maules, who were not supported there, as in England, by the power of the sword. But the superiority of civility and knowledge, however small, over total ignorance and barbarism, is prodigious.

CHAP. P. Singham^c, one of the best historians of that period, had the courage to reply, that till they had a king, they could take no resolution on so momentous a point: The journal of king Edward says, that they made no answer at all^d: That is, perhaps, no *particular* answer or objection to Edward's claim: And by this solution it is possible to reconcile the journal with the historian. The king, therefore, interpreting their silence as a consent, addressed himself to the several competitors, and previously to his pronouncing sentence, required their acknowledgment of his superiority.

1291.

It is evident from the genealogy of the royal family of Scotland, that there could only be two questions about the succession, that between Baliol and Bruce on the one hand, and lord Hastings on the other, concerning the partition of the crown; and that between Baliol and Bruce themselves, concerning the preference of their respective titles, supposing the kingdom indivisible: Yet there appeared on this occasion no less than nine claimants besides, who challenged the crown; John Comyn or Cummin lord of Badenoch, Florence earl of Holland, Patrick Dunbar earl of March, William de Vescy, Robert de Pynkeni, Nicholas de Soules, Patrick Galythly, Roger de Mandeville, Robert de Ros; not to mention the king of Norway, who claimed as heir to his daughter Margaret^e. Some of these competitors, were descended from more remote branches of the royal family; others were sprung from illegitimate children; as none of them had the least pretence of right, it is natural to conjecture, that Edward had secretly encouraged them to appear in the list of claimants, that he might sow the more division among the Scottish nobility, make the cause appear the more intricate, and be able to choose, among a great number, the most obsequious candidate.

BUT he found them all equally obsequious on this occasion^f. Robert Bruce was the first who acknowledged Edward's

^c Page 56. M. West. p. 436. It is said by Hemingford, vol. i. p. 33. that the king menaced violently the Scots barons, and forced them to compliance, at least to silence.
^d Rymer, vol. ii. p. 548. ^e Walsing. p. 58. ^f Rymer, vol. ii. p. 529, 545. Walsing. p. 56. Heming. vol. i. p. 33, 34. Trivet, p. 269. M. West. p. 415.

Edward's right of superiority over Scotland; and he had so far foreseen the king's pretensions, that even in his petition, where he set forth his claim to the crown, he had previously applied to him as liege-lord of the kingdom; a step which was not taken by any of the other candidates^G. They all, however, with seeming willingness, made a like acknowledgment, when required; though Baliol, lest he should give offence to the Scots nation, had taken care to be absent during the first days; and he was the last who recognized the king's title^H. Edward next deliberated concerning the method of proceeding in the discussion of this great controversy. He appointed, that Baliol and such of the competitors as adhered to him, should choose forty commissioners; Bruce and his adherents other forty: To these the king added twenty-four Englishmen: And he ordered these hundred and four commissioners to examine the cause deliberately among themselves, and make their report to him^I: And he promised in the ensuing year to give his determination. Meanwhile, he pretended, that it was requisite to have all the fortresses of Scotland delivered into his hands, in order to enable him, without opposition, to put the true heir in possession of the crown; and this exorbitant demand was complied with, both by the states and the claimants^K. The governors also of all the castles immediately resigned their command; except Umfreville earl of Angus, who refused, without a formal acquittal from the parliament and the several claimants, to surrender his fortresses to such a domineering arbiter, who had given to Scotland so many just reasons of suspicion^L. Before this assembly, broke up, which had fixed such a mark of dishonour on the nation, all the prelates and barons there present swore fealty to Edward; and that prince appointed commissioners to take a like oath of all the other barons and persons of distinction in Scotland^M.

THE king having finally made, as he imagined, this important acquisition, left the commissioners to sit at Berwick, and examine the titles of the several competitors, who claimed the precarious crown, which Edward was

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P

willing

^G Rymer, vol. ii. p. 577, 578, 579. ^H Ibid. p. 546.
^I Ibid. p. 555, 556. ^K Ibid. p. 529. Walsing. p. 556,
 57. ^L Rymer, vol. ii. p. 531. ^M Ibid. p. 573.

CHAP. willing for some time to allow the lawful heir to enjoy.

XIII. He went southwards, both in order to assist at the funerals of his mother, queen Eleanor, who died about this time,

1291. and to compose some differences which had arisen among his principal nobility. Gilbert earl of Gloucester, the greatest baron of the kingdom, had espoused the king's daughter; and being elated by that alliance, and still more by his own exorbitant power, which, he thought, set him above the laws, he permitted his bailiffs and vassals to commit violences on the lands of Humphrey Bohun earl of Hereford, who retaliated the injury by like violences. But this was not a reign in which such illegal proceedings could pass with impunity. Edward procured a sentence against the two earls, committed them both to prison, and would not restore them to their liberty, till he exacted a fine of 1000 marks from Hereford, and one of 10,000 from his son-in-law.

1292. DURING this interval, the titles of John Baliol and of Robert Bruce, whose claims appeared to be the best founded among the competitors to the crown of Scotland, were the subject of general disquisition, as well as of debate among the commissioners. Edward, in order to give greater authority to his intended decision, proposed this general question both to the assembly, and to all the celebrated lawyers in Europe: Whether a person descended from the eldest sister, but farther removed by one degree, was preferable in the succession of kingdoms, fiefs, and other impartible inheritances, to one descended from the younger sister, but one degree nearer the common stock? This was the true state of the case; and the right of representation had now gained such ground every where, that an uniform answer was returned to the king in the affirmative. He therefore pronounced sentence in favour of Baliol; and when Bruce, upon this disappointment, joined afterwards lord Hastings, and claimed a third of the kingdom, which he now pretended to be divisible, Edward, though the interests of his ambition seemed more to require the partition of Scotland, again pronounced sentence in favour of Baliol. That competitor, upon renewing his oath of fealty to England, was put in possession of the kingdom^A; all his fortresses were restored to him^B; and the conduct of Edward, both in the

Award of
Edward
in favour
of Baliol.

^A Rymer, vol. ii. p. 590, 591, 593, 600.
vol. ii. p. 590.

^B Rymer,

the deliberate solemnity of the proceedings, and in the justice of his award, was so far unexceptionable. CHAP. XIII.

1293.

HAD the king entertained no other view than that of establishing his superiority over Scotland, though the iniquity of that claim was apparent, and was aggravated by the most egregious breach of trust, he might have fixed his pretensions, and have left that important acquisition to his posterity: But he immediately proceeded in such a manner, as made it apparent, that, not contented with this usurpation, he aimed also at the absolute sovereignty and dominion of the kingdom. Instead of gradually enuring the Scots to bear the yoke, and exerting his rights of superiority with moderation, he encouraged all appeals to England; required king John himself, by six different summons on trivial occasions, to come to London^c; refused him the privilege of defending his cause by a procurator; and obliged him to appear at the bar of his parliament as a private person^d. These humiliating demands were hitherto quite unknown to a king of Scotland: They are however the necessary consequences of vassalage by the feudal law; and as there was no preceding instance of such treatment submitted to by a prince of that country, Edward must, from that circumstance alone, had there remained any doubt, have been himself convinced, that his claim was altogether an usurpation^e. But his intention plainly was, to enrage Baliol by these indignities, to engage him in rebellion, and to assume the dominion of the state as the punishment of his reason and felony. Accordingly

P 2

Baliol,

^c Rymer, vol. ii. p. 603, 605, 606, 608, 615, 616.

^d Ryley's Placit. Parl. p. 152, 153.

^e See Rymer, vol. ii. p. 533, where Edward writes to the king's Bench to receive appeals from Scotland. He knew the practice to be unusual; yet he establishes it as an infallible consequence of his superiority. We learn also from the same book, p. 603, that immediately upon receiving the homage, he changed the style of his address to the Scots king, whom he now calls *dilecto & fideli*, instead of *fratri dilecto & fideli*, the appellation which he had always before used to him; see p. 109, 124, 168, 280, 1064. This is a certain proof, that he himself was not deceived, as was scarce indeed possible, but that he was conscious of his usurpation: Yet he solemnly swore afterwards to the justice of his pretensions, when he defended them before pope Boniface.

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XIII.

1293.

Baliol, though a prince of a soft and gentle spirit, returned into Scotland highly provoked at this usage, and determined at all hazards, to vindicate his liberty; and the war, which soon after broke out between France and England, gave him a favourable opportunity for executing his purpose.

War with
France.

THE violences, robberies and disorders, to which that age was so subject, were not confined to the licentious barons and their retainers at land: The sea was equally infested with piracy: The weak execution of the laws had given licence to all orders of men: And a general appetite for rapine and revenge, supported by a false point of honour, had also infected the merchants and mariners, and it pushed them, on any provocation, to seek redress, by immediate retaliation upon the aggressors. A Norman and English ship met off the coast near Bayonne; and having both occasion for water, they sent their boats to land, and the several crews came at the same time to the same spring: There ensued a quarrel for the preference: A Norman, drawing his dagger, attempted to stab an Englishman; who, grappling with him, threw his adversary on the ground; and the Norman, as was pretended, falling on his own dagger, was slain^F. This scuffle between two seamen about water, kindled soon a bloody war between the two nations, and involved a great part of Europe in the quarrel. The mariners of the Norman ships carried their complaints to the French king: Philip, without enquiring into the truth, without demanding redress, bade them take revenge, and trouble him no more about the matter^G. The Normans, who had been more regular than usual in applying to the crown, needed but this hint to proceed to immediate violence. They seized an English ship in the channel; and hanging, along with some dogs, several of the crew on the yard-arm, in presence of their companions, dismissed the vessel^H; and bade the mariners inform their countrymen, that vengeance was now taken for the blood of the Norman killed at Bayonne. This injury, accompanied by so general and deliberate an insult, was resented by the mariners of the cinque ports, who,

^F Walsing. p. 58. Heming. vol. i. p. 39. ^G Walsing. p. 58. ^H Heming. vol. i. p. 40. M. West. p. 419.

who, without carrying any complaints to the king, or waiting for redress, retaliated by committing like barbarities on all French vessels without distinction. The French, provoked by their losses, preyed on the ships of all Edward's subjects, whether English or Gascon: The sea became a scene of piracy between the nations: The sovereigns without either seconding or repressing the violence of their subjects, seemed to continue indifferent spectators: The English made private associations with the Irish and Dutch seamen; the French with the Flemish and Genoese¹: And the animosities of the people on both sides became every day more violent and barbarous. A fleet of two hundred Norman vessels set sail to the south for wine and other commodities; and in their passage, seized all the English ships which they met with, hanged the seamen, and seized the goods. The inhabitants of the English sea ports, informed of this event, fitted out a fleet of sixty sail, stronger and better manned than the others; and awaited the enemy on their return. After an obstinate battle, they put them to rout, and sunk, destroyed, or took the greatest part of them². No quarter was given, and it is pretended, that the loss of the French on this occasion amounted to 15,000 men: Which is accounted for by this circumstance, that the Norman fleet was employed in transporting a considerable body of soldiers from the south.

THE affair was now become too important to be any longer overlooked by the princes. On Philip's sending an envoy to demand reparation and restitution, the king dispatched the bishop of London to the French court, in order to accommodate the quarrel. He first said, that the English court of justice were open to all men; and if any Frenchman were injured, he might seek reparation by course of law³. He next offered to adjust the matter by private arbiters, or by personal interview with the king of France, or by a reference either to the pope or the college of cardinals, or any particular cardinals agreed on by both parties⁴. The French, probably the more disgusted, as they were hitherto losers in the quarrel, refused all these expedients: The vessels and the goods

¹ Heming. vol. i. p. 40: ² Walsing. p. 60. Trivet, p. 274. Chron. Dunst. vol. ii. p. 609. ³ Trivet, p. 375.
⁴ Ibid.

CHAP. XIII. goods of merchants were confiscated on both sides: Depredations were continued by the Gascons on the western coast of France, as well as by the English in the channel: Philip cited the king, as duke of Guienne, to appear in his court at Paris, and answer for these offences: And Edward, apprehensive of danger to that province, sent John St. John, an experienced soldier, to Bourdeaux, and gave him directions to put Guienne in a posture of defence^N.

1294. - THAT he might however prevent a final rupture between the nations, the king dispatched his brother, Edmond, Earl of Lancaster, to Paris; and as this prince had espoused the queen of Navarre, mother to Jane, queen of France, he seemed, on account of that alliance, the most proper person for finding expedients to accommodate the difference. Jane pretended to interpose with her good offices: Mary, the queen-dowager, feigned the same amicable disposition: And these two princesses told Edmond, that the circumstance, the most difficult to adjust, was the point of honour with Philip, who thought himself affronted by the injuries committed against him by his sub-vassals in Guienne: But if once Edward would consent to give him seizin and possession of that province, he would think his honour fully repaired, would engage to restore Guienne immediately, and would accept of a very easy satisfaction for all the other injuries. The king was consulted on this occasion, and as he then found himself in immediate danger of war with the Scots, which he regarded as the more important concern, this politic prince, blinded by his favourite passion for subduing that nation, allowed himself to be deceived by so gross an artifice^O. He sent his brother orders to sign and execute the treaty with the two queens; Philip solemnly promised to execute his part of it; and the king's citation to appear in the court of France, was accordingly recalled: But the French monarch was no sooner put in possession of Guienne, than the citation was renewed; Edward was condemned for non-appearance;

^N Ibid. p. 276. ^O Rymer, vol. ii. p. 619, 620. Wal-
sing. p. 51. Heming. vol. i. p. 42, 43. Trivet, p. 277.

ance; and Guienne, by a formal sentence, was declared C H A P. to be forfeited and annexed to the crown ^P. XIII.

EDWARD, fallen into a like snare with that which he had spread for the Scots, was enraged; and the more so, as he was justly ashamed of his own conduct, in being so egregiously over-reached by the court of France. Sensible of the extreme difficulties, which he would encounter in the recovery of Gascony, where he had not retained a single place in his hands; he endeavoured to compensate that loss, by forming alliances with several European princes; who, he proposed, should attack France on all quarters, and make a diversion of her forces. Adolphus de Nassau, king of the Romans, entered into a treaty with him for that purpose ^Q; as did also Amadeus, count of Savoy, the archbishop of Cologne, the counts of Gueldre and Luxembourg; the duke of Brabant and count of Barre, who had married his two daughters, Margaret and Eleanor: But these alliances were extremely burdensome to his narrow revenues, and proved in the issue entirely ineffectual. More impression was made on Guienne by an English army, which he completed by emptying the jails of many thousand thieves and robbers; who had been confined there for their crimes. So low had the profession of arms fallen, and so much had it degenerated from the footing, on which it stood during the vigour of the feudal system.

THE king himself was detained in England, first by contrary winds ^R, then by his apprehensions of a Scots invasion, and by a rebellion of the Welsh, whom he repressed and brought again under subjection ^S. The army, which he sent to Guienne, was commanded by his nephew, John de Bretagne, earl of Richmond, and under him by St. John, Tibetot, de Vere, and other officers of reputation ^T; who made themselves masters of the town of Bayonne, as well as of Bourg, Blaye, Rions, St. Severe, and other places, which straitened Bourdeaux, and cut off its communication both by sea and land. The favour, which the Gascon nobility bore to the English government; facilitated these conquests, and seemed to promise still greater successes; but this advantage was soon lost by the misconduct of some of the officers. Philip's

^P Rymer, vol. ii. p. 620, 622. Walsing. p. 61. Trivet, p. 278.

^Q Heming. vol. i. p. 51. ^R Chron. Dunst. vol. ii. p. 622.

^S Walsing. p. 62. Heming. vol. p. 55. Trivet, p. 282.

Chron. Dunst. vol. ii. p. 622. ^T Trivet, p. 279.

CHAP. Philip's brother, Charles de Valois, who commanded the French armies, having laid siege to Podensac, a small fortress near Rions, obliged Giffard, the governor, to capitulate; and the articles, though favourable to the English, left all the Gascons prisoners at discretion, of whom about fifty were hanged by Charles as rebels: A policy, by which he both intimidated that people, and produced an irreparable breach between them and the English ^u. That prince immediately attacked Rions, where the earl of Richmond himself commanded; and as the place seemed not defensible, the English general drew his troops to the water-side with an intention of embarking with the greatest part of the army. The enraged Gascons fell upon his rear, and at the same time opened their gates to the French, who, besides making themselves masters of the place, took many prisoners of distinction. St. Severe was more vigorously defended by Hugh de Vere, son to the earl of Oxford; but was at last obliged to capitulate. The French king, not contented with these successes in Gascony, threatened England with an invasion; and by a sudden attempt, his troops took and burnt Dover ^w, but were obliged soon after to retire. And in order to make a greater diversion of the English force, and engage Edward in dangerous and important wars, he formed a secret alliance with John Baliol, king of Scotland; the commencement of that strict union, which, during so many ages, was maintained, by mutual interests and necessities, between the French and Scottish nations. John confirmed this alliance by stipulating a marriage between his eldest son and the daughter of Philip de Valois ^x.

1295.

Digression concerning the constitution of parliament.

THE expences, attending these multiplied wars of Edward, and his preparations for war, joined to alterations, which had insensibly taken place in the general state of affairs, obliged him to have frequent recourse to parliamentary supplies, introduced the lower orders of the state into the public councils, and laid the foundations of great and important changes in the government. Though nothing could be worse calculated for cultivating the arts of peace, or maintaining peace itself, than the long

^u Heming. vol. i. p. 49. ^w Trivet, p. 284. Chron. Dunff. vol. ii. p. 642. ^x Rymer, vol. ii. p. 680, 681, 695, 697. Heming. vol. i. p. 76. Trivet, p. 285.

long subordination of vassalage from the king to the meanest gentleman, and the consequent slavery of the lower people, evils inseparable from the feudal system; that system was never able to fix the state in a proper warlike posture, or give it the full exertion of its power for defence, and still less for offence, against a public enemy. The military tenants, unacquainted with obedience, unexperienced in war, held a rank in the troops by their birth, not by their merits or services; composed a very disorderly and consequently a very feeble army; and during the few days, which they were obliged by their tenures to remain in the field, were often more formidable to their own prince than to foreign powers, against whom they were assembled. The sovereigns came gradually to disuse this cumbersome and dangerous machine, so apt to recoil upon the hand which held it; and exchanging the military service for pecuniary supplies, insisted forces by means of a contract with particular officers, (such as those the Italians denominate *Condottieri*) whom they dismissed at the end of the war. The barons and knights themselves often entered into these engagements with the prince, and were enabled to fill their bands, both by the authority which they possessed over their vassals and tenants, and from the great numbers of loose, disorderly people, whom they found on their estates, and who willingly embraced an opportunity of gratifying their appetite for war and rapine. Mean-while, the old Gothic fabric, being neglected, went gradually to decay; and though the conqueror had divided all the lands of England into sixty thousand knights fees, the number of these was insensibly diminished by various artifices; and the king at last found, that, by putting the law in execution, he could assemble only a very small part of the antient force of the kingdom. It was an usual expedient for men, who held of the king or a great baron by military tenure, to transfer their land to the church, and receive them back by another tenure called *frankalmoigne*, by which they were not bound to perform any service^x. A law was made against this practice; but the abuse had probably gone far before it was attended to, and probably was not entirely corrected by the new statute, which,

like

^x Madox's *Baronia Anglica*, p. 114.

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like most of the laws of that age, we may conjecture to have been but feebly executed by the magistrate against the perpetual interests of so many individuals. The constable and mareschal, when they mustered the armies, often, in a hurry, and for want of better information, received the service of a baron for fewer knights fees, than were due by him; and one precedent of this kind was held good against the king, and became ever after a reason for diminishing the service^Y. The rolls of knights fees were very inaccurately kept; no care was taken to clear them before the armies were summoned into the field^Z; it was then too late to think of examining records and charters; and the service was accepted on the footing which the vassal himself was pleased to acknowledge, after all the various subdivisions and conjunctions of property had thrown an obscurity on the nature and extent of his tenure^A. It is easy to judge of the intricacies which would attend disputes of this kind with individuals; when even the number of military fees, belonging to the church, whose property was fixed and unalienable, became the subject of controversy; and we find in particular, that when the bishop of Durham was charged with seventy knights fees for the aid levied to marry Henry II.'s daughter to the duke of Saxony, the prelate acknowledged ten, and disowned the other sixty^B. It is not known in what manner this difference was terminated; but had the question been concerning an armament to defend the kingdom, the bishop's service would probably have been received without opposition for ten fees, and this rate must also have fixed all his future payments. Pecuniary scutages, therefore, diminished as much as military services^C: Other methods of filling the exchequer

28

^Y Ibid. p. 115. ^Z We hear only of one king, Henry II. who took this pains; and the record, called *Liber niger Scaccarii*, was the result of it. ^A Madox, Bar. Ang. p. 116.

^B Madox. Bar. Ang. p. 122. Hist. of the Exch. p. 494.

^C In order to pay the sum of 100,000 marks, as king Richard's ransom, twenty shillings were imposed on each king's fee. Had the fees remained on the original footing, as settled by the conqueror, this scutage would have amounted to 90,000 marks, which was nearly the sum required: But we find, that many other grievous taxes were imposed to complete it: A certain proof, that many frauds and abuses had prevailed in the roll of knights fees.

as well as the armies must be devised: New situations produced new laws and institutions: And the great alterations in the finances and military power of the crown, as well as in private property, were the source of equal innovations in every part of the legislature or civil government.

THE exorbitant estates, conferred by the Norman, on his barons and chieftains, remained not long entire and unimpaired. The landed property was gradually shared out into more hands: and those immense baronies were divided, either by provisions to younger children, by partitions among co-heirs, by sale, or by escheating to the king, who gratified a great number of his courtiers, by dealing them out among them in smaller portions. Such moderate estates, as they required œconomy, and confined the proprietors to live at home, were better calculated for duration; and the order of knights and small barons grew daily more numerous, and began to form a very respectable rank or order in the state. As they were all of them immediate vassals of the crown by military tenure, they were, from the principles of the feudal law, equally intitled with the greatest barons, to a seat in the national or general councils; and this right, though regarded as a privilege, which the owners would not entirely relinquish, was also considered as a burthen, which they desired to be subjected to only on extraordinary occasions. Hence it was provided in the charter of king John, that, while the great barons were summoned to the general council by a particular writ, the small barons, under which appellation the knights were also comprehended, should only be called by a general summons of the sheriff. The distinction between great and small barons, like that between rich and poor, was not exactly defined; but, agreeably to the inaccurate genius of that age, and to the simplicity of antient government, was left very much to be determined by the discretion of the king and his ministers. It was usual for the prince to require, by a particular summons, the attendance of a baron in one parliament, and to neglect him in future parliaments^B; nor was this uncertainty ever complained of as an injury. He attended when required: He was better

^B Chancellor West's enquiry into the manner of creating peers, p. 43, 46, 47, 55.

CHAP. ter pleased on other occasions to be exempted from the
 XIII. burthen : And as he was acknowledged to be of the same
 1295. order with the greatest barons, it gave them no surprize
 to see him take his seat in the great councils, whether he
 appeared of his own accord, or by a particular summons
 from the king. The barons by *Writ*, therefore, began
 gradually to intermix themselves with the antient barons
 from *Tenure* ; and as Camden tells us ^C, from an antient
 manuscript, now lost, that after the battle of Evesham,
 a positive law was enacted, prohibiting every baron to
 appear in parliament, who was not invited thither by a
 particular summons, the whole baronage of England held
 thenceforward their seat by writ, and this important pri-
 vilege of their tenures was in effect abolished. Only
 where writs had been regularly continued for some time in
 one great family, the omission of them would have been
 regarded as an affront, and even as an injury.

A LIKE alteration gradually took place in the order of
 earls, who were the highest rank of barons. The dignity
 of an earl, like that of a baron, was antiently territorial
 and official ^D : He exercised jurisdiction within his county :
 He levied the third of the fines to his own profit : He was
 at once a civil and a military magistrate : And though his
 authority, from the first conquest of the Normans, was
 hereditary in England, the title was so much connected
 with the office, that where the king intended to create a
 new earl, he had no other expedient than to erect a cer-
 tain territory into a county or earldom, and to bestow it
 upon the person and his family ^E. But as the sheriffs,
 who were the vice-gerents of the earls, were named by
 the king, and removeable at pleasure, he found them more
 dependent upon him ; and endeavoured to throw the
 whole authority and jurisdiction of the office into their
 hands. This magistrate was at the head of the finances,
 and levied all the king's rents within his county : He as-
 sessed at pleasure the talliages of the inhabitants in royal
 demesne : He had usually committed to him the manage-
 ment of wards and often of escheats : He presided in the
 lower courts of judicature : And thus, though inferior to
 the

^C In *Britann.* p. 122.

^D *Spelm. Gloss.* in voce *Comis.*

^E *Essays on British antiquities.* This practice, however, seems
 to have been more familiar in Scotland and the kingdoms on
 the continent, than in England.

the earl in dignity, he was soon considered, by this union of the judicial and fiscal powers, and by the confidence reposed in him by the king, as much superior to him in authority, and undermined his influence within his own jurisdiction^G. It became usual, in creating an earl, to give him a fixed salary, commonly about twenty pounds a year, in lieu of his third of the fines: The diminution of his power kept pace with the retrenchment of his profit: And the dignity of earl, instead of territorial and official, dwindled into personal and titular. Such were the mighty alterations, which had already fully taken place, or were gradually advancing, in the house of peers; that is, in the parliament: For there was antiently no other house.

BUT though the introduction of barons by writ, and of titular earls, had given some encrease to royal authority; there were other causes, which counterbalanced those innovations, and tended in a higher degree to diminish the power of the sovereign. The disuse, into which the feudal militia had in a great measure fallen, made the barons almost entirely forget their dependence on the crown: By the diminution of the number of knights fees, the king had no reasonable compensation when he levied scutages and exchanged their services for money: The alienations of the crown lands had reduced him to poverty: And above all, the concession of the great charter had set bounds to royal power, and had rendered it more difficult and dangerous for the prince to exert any extraordinary acts of arbitrary authority. In this situation it was natural for the king to court the friendship of the lesser barons and knights, whose influence was nowise dangerous to him, and who, being exposed to oppression from their powerful neighbours, sought a legal protection under the shadow of the throne. He desired, therefore, to have their presence in parliament, where they served to controul the turbulent resolutions of the great. To exact a regular attendance of the whole body would have produced confusion, and would have imposed too heavy a burden upon them. To summon only a few by writ, though it was practised and had a good effect, served not entirely the king's purpose; because these members

^G There are instances of princes of the blood who accepted of the office of sheriff. Spelman in voce *Viccomes*.

CHAP. XIII. bers had no farther authority than attended their personal character, and were eclipsed by the appearance of the more powerful nobility. He therefore dispensed with the attendance of most of the lesser barons in parliament; and in return for this indulgence, (for such it was then esteemed) required them to choose in each county a certain number of their own body, whose charges they bore, and who, having gained the confidence, carried with them, of course, the authority of the whole order. This expedient had been practised at different times, in the reign of Henry III.^h and regularly, during that of the present king. The numbers sent up by each county varied at the will of the prince^l: They took their seat among the other peers; because by their tenure they belonged to that order^k: The introducing them into that house scarce appeared to be an innovation: And though it was easily in the king's power, by varying their number, to command the resolutions of the whole parliament, this circumstance was little attended to, in an age, when force was more prevalent than laws, and when a resolution, though taken by the majority of a legal assembly, could not be executed, if it opposed the will of the more powerful minority.

BUT there were other important consequences, which followed the diminution and disuse of the antient feudal militia. The king's expences, in levying and maintaining a military force for every enterprize, were encreased beyond what his narrow revenues were able to bear: As the scutages of his military tenants, which were accepted in lieu of their personal service, had fallen to nothing; there were no means of supply but from voluntary aids granted him by the parliament and clergy: Or from the talliages which he might levy upon the towns and inhabitants in royal demesne. In the former year, Edward had been obliged to exact no less than the sixth of all moveables from the laity, and the half of all ecclesiastical benefices^l for his expedition into Poitou, and the
sup-

^h Rot. Claus. 38 Hen. III. m. 7. and 12 d: As also Rot. Claus. 42 Hen. III. m. 1. d. Prynne's pref. to Cotton's Abridgement. ^k Brady's answer to Petyt, from the records, p. 151. ^l Brady's Treatise of boroughs, App. No. 13.

^l Brady of boroughs, p. 31. from the records. Heming. vol. i. p. 52. M. West. p. 422. Ryley, p. 462.

suppression of the Welsh: And this distressful situation, which was likely often to return upon him and his successors, made him think of a new device, and summon the representatives of all the boroughs to parliament. This period, which is the twenty-third of his reign, seems to be the real and true epoch of the house of commons; and the first faint dawnings of popular government in England. For the representatives of the counties were only deputies from the smaller barons and lesser nobility: And the former precedent of representatives from the boroughs, who were summoned by the earl of Leicester, was regarded as the act of a violent usurpation, had been discontinued in all the subsequent parliaments, and if that measure had not become necessary on other accounts, this example was more likely to blast than give credit to it.

DURING the course of two centuries, the kings of England, in imitation of other European princes, had embraced the salutary policy of encouraging and protecting the lower and more industrious orders of the state; whom they found well disposed to obey the civil magistrate, and whose ingenuity and labour furnished commodities, requisite for the ornament of peace and support of war. Though the inhabitants of the country were still left at the disposal of their imperious lords; many attempts were made to give more security and liberty to citizens, and make them enjoy unmolested the fruits of their industry. Boroughs were erected by royal patent within the demesne lands: Liberty of trade was conferred upon them: The inhabitants were allowed to farm at a fixed rent their own tolls and customs^M: They were permitted to elect their own magistrates: Justice was distributed to them by these magistrates, without obliging them to attend the sheriff or county courts: And some shadow of independence was gradually acquired to the people, by means of these equitable privileges^N. The king, however, retained still the power of levying talliages or taxes upon them at pleasure^O; and though their poverty

^M Madox, *Firma Burgi*, p. 21.

^N Brady of boroughs,

App. No. 1, 2, 3. ^O The king had not only the power of talliating the inhabitants within his own demesnes, but that of granting to particular barons the power of talliating the inhabitants within theirs. See Brady's answer to Petyt, p. 118. Madox's *Hist. of the Exchequer*, p. 518.

CHAP. and the customs of the age made these demands neither
 XIII. frequent nor exorbitant, such unlimited authority in the
 1295. sovereign was a sensible check upon commerce, and was
 utterly incompatible with all the principles of a free government. But when the multiplied necessities of the crown produced a greater demand for supply, the king, whose prerogative entitled him to exact it, found, that he had not power sufficient to enforce his edicts, and that it was requisite, before he imposed taxes, to smooth the way for his demand, and to obtain the previous consent of the boroughs, by solicitations, remonstrances, and authority. The inconvenience of transacting this business with every particular borough was soon felt; and Edward became sensible, that the most expeditious way of obtaining supply, was to assemble together the deputies of all the boroughs, to lay before them the necessities of the state, to discuss the matter in their presence, and to require their consent to the demands of their sovereign. For this reason, he issued writs to the sheriffs, enjoining them to send to parliament along with two knights of the shire, two deputies from each borough within their county^z, and these provided with sufficient powers from their community, to consent, in their name, to what he and his council should require of them. *As it is a most equitable rule*, says he, in his preamble to this writ, *that what concerns all should be approved of by all; and common dangers be repelled by united efforts*^a; a noble principle, which may seem to indicate a liberal mind in the king, and which laid the foundation of a free and an equitable government.

AFTER the election of these deputies, by the aldermen and common council, they gave sureties for their attendance before the king and parliament: Their charges were borne by the borough, which sent them: And they had

^z Writs were issued to about 120 cities and boroughs.

^a Brady of boroughs, p. 25, 33. from the records. The writs of the parliament immediately preceding, remain: and the return of knights is there required, but not a word of the boroughs: A demonstration, that this was the very year in which they commenced. In the year immediately preceding, the taxes were levied by a seeming or forced consent of each particular borough, beginning with London. Id. p. 31, 32, 33. from the records. Also his answer to Petyt, p. 40, 41.

had so little idea of appearing as legislators, a character extremely wide of their low rank and condition^B, that no intelligence could be more disagreeable to any borough, than to find that they must elect, or to any individual than that he was elected, to a trust from which no profit or honour could possibly be expected^C. They composed not, properly speaking, any essential part of the parliament: They met apart both from the barons and knights^D, who disdained to mix with such mean personages: After they had given their consent to the taxes, required of them, their business being now finished, they separated, even though the parliament still continued to sit, and to canvass the national business^E: And as they all consisted of men, who were real burgesses of the place, from which they were sent, the sheriff, when he found no person of abilities or wealth sufficient for this office, often used the freedom of omitting particular boroughs in his returns; and as he received the thanks of the people for this indulgence, he gave no offence to the court, who levied, without distinction, the tax agreed to by the majority of deputies^F.

THE union, however, of the representatives from all the boroughs gave gradually more weight to the whole order; and it became customary for them, in return for the supplies, which they granted, to prefer petitions to the crown for the redress of any particular grievances, of which they found reason to complain. The more the king's demands multiplied, the faster these petitions increased both in number and authority; and the prince

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found

^B Reliquiæ Spelm. p. 64. Prynne's pref. to Cotton's Abridg. and the Abridg. passim. ^C Brady of boroughs, p. 59, 60.

^D Brady of boroughs, p. 37, 38, from the records, and append. p. 19. Also his append. to his ans. to Petyt, Record. And his gloss. in Verb. *Communitas Regn.* p. 33. ^E Ryley's Placit. Parl. p. 241, 242, &c. Cotton's Abridg. p. 14.

^F Brady of boroughs, p. 52, from the records. There is even an instance in the reign of Edward III. when the king named all the deputies. Id. ans. to Petyt, p. 161. If he fairly named the most considerable and creditable burgesses, little exception would be taken; as their business was not to check the king, but to reason with him and consent to his demands. It was not till the reign of Richard II. that the sheriffs were deprived of the power of omitting boroughs at pleasure. See Stat. at large, 5th Richard II. cap. 4.

C. H. A. P. found it difficult to refuse men, whose grants had supported his throne, and to whose assistance he might so soon be again obliged to have recourse. The commons however were still much below the rank of legislators^G. Their petitions, though they received a verbal assent from the throne, were only the rudiments of laws: The judges were afterwards entrusted with the power of putting them into form: And the king, by adding to them the sanction of his authority, and that sometimes without the assent of the nobles, bestowed validity upon them. The age did not refine so much as to perceive the danger of these irregularities. No man was displeased, that the sovereign, at the desire of any class of men, should issue an order, which appeared only to concern that class; and his predecessors were so near possessing the whole legislative power, that he gave no disgust by assuming it in this seemingly inoffensive manner. But time and farther experience gradually opened mens eyes and corrected such abuses. It was found, that no laws could be fixed for one order of men, without affecting the whole; and that the force and efficacy of laws depended entirely on the terms employed in wording them. The house of peers, therefore, the most powerful order of the state, reasonably expected, that their assent should be expressly granted to all public ordinances^H: And in the reign of Henry V. the commons required that no laws should be framed merely upon their petitions, unless the statutes were worded by themselves, and had passed their house in the form of a bill^I.

BUT as the same causes, which had produced a partition of property, continued still to operate; the number of knights and lesser barons, or what the English call the gentry, perpetually encreased, and sunk into a rank still

^G See note at the end of the volume.

^H In these instances found in Cotton's abridgement, where the king appears to answer of himself the petitions of the commons, he probably exerted no more than that power, which was long inherent in the crown, of regulating lesser matters by his edicts or proclamations. But no durable or general statute seems ever to have been made by the king from the petition of the commons alone, without the assent of the peers. It is more likely, that the peers alone, without the commons, would enact statutes. ^I Brady's answer to Petyt, p. 85, from the records.

still more inferior to the great nobility. The equality of tenure was lost in the great inferiority of power and property; and the house of representatives from the counties was gradually separated from that of the peers, and formed a distinct order in the state^D. The growth of commerce, meanwhile, augmented the private wealth and consideration of the burghesses; the frequent demands of the crown increased their public importance; and as they resembled the knights of shires in one material circumstance, that of representing particular bodies of men; it no longer appeared unsuitable to unite them together in the same house, and to confound their rights and privileges^E. Thus the third estate, that of the commons,

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^D Cotton's abridgement, p. 13.

^E It was very agreeable to the maxims of all the feudal governments, that every order of the state should give their consent to the acts which more immediately concerned them; and as the notion of a political system was not then so well understood, the other orders of the state were often not consulted on these occasions. In this reign, even the merchants, though no public body, granted the king impositions on merchandize, because the first payments came out of their pockets. They did the same in the reign of Edward III. but the commons had then observed that the people paid these duties, though the merchants advanced them; and they therefore remonstrated against this practice. Cotton's abridg. p. 39. The taxes imposed by the knights on the counties were always lighter than those which the burghesses laid on the boroughs; a presumption, that in voting these taxes the knights and burghesses did not form the same house. See Chancellor West's enquiry into the manner of creating peers, p. 8. But there are so many proofs, that these two orders of representatives were long separate, that it is needless to insist on them. Mr. Carte, who had carefully consulted the rolls of parliament, affirms, that they never appear to have been united till the 16th of Edward III. See Hist. vol. ii. p. 451. But 'tis certain that this union was not even then final: In 1372, the burghesses acted by themselves, and voted a tax after the knights were dismissed. See Tyrrel, Hist. vol. iii. p. 734, from Rot. Claus 46 Edw. III. n. 9. In 1376, they were the knights alone, who passed a vote for the removal of Alice Pierce from the king's person, if we may credit Walsingham, p. 189. There is an instance of a like kind in the reign of Richard II. Cotton, p. 193. The different taxes voted by these two branches of the lower house, kept them naturally separate: But as their petitions had mostly the same

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mons, reached at last its present form; and as the country gentlemen made thenceforwards no scruple of appearing as deputies of the boroughs, the distinction between the members was entirely lost, and the lower house acquired thence a great accession of weight and importance in the kingdom. Still, however, the office of this estate was very different from that which it has since exercised with so much advantage to the public. Instead of checking and controuling the authority of the king, they were naturally induced to adhere to him, as the great fountain of law and justice, and to support him against the exorbitant power of the aristocracy, which at once was the source of oppression to themselves, and disturbed him in the execution of the laws. The king, in his turn, gave countenance to an order of men, so useful and so little dangerous: The peers also were obliged to pay them some consideration: And by this means, the third estate, formerly so abject in England, as well as in all other European nations, rose by slow degrees to their present importance; and in their progress made arts and commerce, the necessary attendants of liberty and equality, flourish in the kingdom^F.

WHAT

same object, viz. the redress of grievances, and the support of law and justice both against the crown and the barons, this cause as naturally united them, and was the reason why they at last joined in one house for the dispatch of business. The barons had few petitions: Their privileges were of more antient date: Grievances seldom affected them: They were themselves the chief oppressors. In 1333, the knights by themselves concurred with the bishops and barons in advising the king to stay his journey into Ireland. Here was a petition which regarded a matter of state, and was supposed to be above the capacity of the burgesses. The knights, therefore, acted a part in this petition. See Cotton, abrid. p. 13. Chief baron Gilbert thinks, that the reason why taxes began always with the commons or burgesses was, that they were limited by the instructions of their boroughs. See Hist. of the Exchequer, p. 37.

^F The chief argument from antient authority, for the opinion that the representatives of boroughs preceded the forty-ninth of Henry III. is the famous petition of the borough of St. Albans, first taken notice of by Selden, and then by Petyt, Brady, Tyrrel, and others. In this petition, presented to the parliament in the reign of Edward II. the town of St. Albans asserts,

WHAT sufficiently proves, that the commencement of the house of burgesses, who are the true commons, was not an affair of chance, but arose from the necessities of the present situation, is, that Edward, at the very same time, summoned deputies from the inferior clergy, the first that ever met in England^g, and he required

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asserts, that though they held *in capite* of the crown, and owed only, for all other services, their attendance in parliament, yet the sheriff had omitted them in his writs; whereas both in the reign of the king's father, and all his predecessors, they had always sent members. Now, say the defenders of this opinion, if the commencement of the house of commons was in Henry III's reign, this expression could not have been used. But Madox, in his History of the Exchequer, p. 522, 523, 524, has endeavoured to destroy the authority of this petition for the purpose alledged. He asserts, first, that there was no such tenure in England as that of holding by attendance in parliament, instead of all other service. Secondly, That the borough of St. Albans never held of the crown at all, but was always demesne land of the abbot. It is no wonder therefore, that a petition which advances two falsehoods, should contain one historical mistake, which indeed amounts only to an inaccurate expression. Accordingly St. Albans continued still to belong to the abbot. It never held of the crown, till after the dissolution of the monasteries. But the assurance of these petitioners is remarkable. They wanted to shake off the authority of their abbot, and to hold of the king; but were unwilling to pay any services even to the crown: Upon which they framed this petition, which latter writers have made the foundation of so many inferences and conclusions. From the tenor of the petition it appears, that there was a close connection between holding of the crown, and being represented in parliament: The latter had scarce ever place without the former. Yet we learn from Tyrrel's Append. vol. iv. that there were some instances to the contrary. It is not improbable, that Edward followed the roll of the earl of Leicester, who had summoned, without distinction, all the considerable boroughs of the kingdom; among whom there might be some few who did not hold of the crown. Edward also found it necessary to impose taxes on all the boroughs of the kingdom without distinction. This was a good expedient for augmenting his revenue.

^g Archbishop Wake's State of the Church of England, p. 235. Brady of boroughs, p. 34. Gilbert's Hist. of the Exch. p. 46.

quired them to impose taxes on their constituents for the public service. Formerly the ecclesiastical benefices bore no part of the burthens of the state: The pope had indeed of late often levied impositions upon them: He had sometimes granted this power to the sovereign^H: Edward himself had in the former year exacted, by menaces and violence, a very grievous tax of half the revenues of the clergy: But as this precedent was dangerous, and could not easily be repeated in a government, which required the consent of the subject to any extraordinary resolution; Edward found it more prudent to assemble a lower house of convocation, to lay before them his necessities, and to ask some supply. But on this occasion he met with difficulties. Whether that the clergy thought themselves the most independent body in the kingdom, or were disgusted by the former exorbitant impositions, they absolutely refused their assent to the king's demand of a fifth of their moveables; and it was not till a second meeting, that, on their persisting in this refusal, he was willing to accept of a tenth. The barons and knights granted him, without hesitation, an eleventh; the burgesses, a seventh. But the clergy still scrupled to meet on the king's writ; lest by such obedience they should seem to acknowledge the authority of the temporal power: And this compromise was at last fallen upon, that the king should issue his writ to the archbishop; and that the archbishop should, in consequence of it, summon the clergy, who, as they then appeared to obey their spiritual superior, no longer hesitated to meet in convocation. This expedient, however, was the cause, why the ecclesiastics met in two houses of convocation, under their several archbishops, and formed not one estate, as in other countries of Europe; which was at first the king's intention. We now return to the course of our narration.

EDWARD, conscious of the reasons of disgust which he had given the king of Scots, informed of the dispositions of that people, and expecting the most violent effects of their resentment, which he knew he had so well merited; employed the supplies, granted him by his people, in making preparations against the hostilities of

^H Ann. Waverl. p. 227, 228. T. Wykes, p. 99, 120.
 1 Gilbert's Hist. of Excheq. p. 51, 54.

of his northern neighbour. When in this situation he received intelligence of the treaty secretly concluded between John and Philip; and though uneasy at this concurrence of a French and Scots war, he resolved not to encourage his enemies by a pusillanimous behaviour, or by yielding to their united efforts. He summoned John to perform the duty of a vassal, and to send him a supply of forces against an invasion from France, with which he was then threatened: He next required, that the fortresses of Berwic, Jedborough, and Roxborough, should be put into his hands as a security during the war^K: He cited John to appear in an English parliament, held at Newcastle: And when none of these successive demands were complied with, he marched northward with numerous forces, 30,000 foot, and 4000 horse, to chastise his rebellious vassal. The Scottish nation, who had little reliance on the vigour and spirit of their prince, assigned him a council of twelve noblemen, in whose hands the sovereignty was really lodged^L, and who put the country in the best posture, of which the present distractions would admit. A great army, composed of 40,000 infantry, though supported only by 500 cavalry, advanced to the frontiers; and after a fruitless attempt upon Carlisle, marched eastwards to defend those provinces, which Edward was preparing to attack. But some of the most considerable of the Scottish nobles, Robert Bruce, the father and son, the earls of March and Angus prognosticating the ruin of their country, from the concurrence of intestine divisions and a foreign invasion, endeavoured here to ingratiate themselves with Edward, by an early submission; and the king, encouraged by this favourable incident, led his army into the enemies' country and crossed the Tweed without opposition at Coldstream. He then receive a message^M from John, by which that prince, having now procured, for himself and his nation, pope Celestine's dispensation from former oaths, renounced the homage which had been done to England, and set Edward at defiance. This bravade was but ill supported by the military operations

^K Rymer, vol. ii. p. 692. Walsing. p. 64. Hemming. vol. i. p. 84. Trivet, p. 286. ^L Hemming. vol. i. p. 75.
^M Rymer, vol. ii. p. 607. Walsing. p. 66. Hemming. vol. i. p. 92.

CHAP. XIII. rations of the Scots. Berwic was already taken by assault: Sir William Douglas, the governor, was made prisoner: Above 7000 of the garrison were put to the sword^N: And Edward, elated by this great advantage, dispatched earl Warenne, with 12,000 men, to lay siege to Dunbar, which was defended by the flower of the Scottish nobility.

1296. **27th April.** **Scotland subdued.** THE Scots, sensible of the importance of this place, which, if taken, laid their whole country open to the enemy, advanced with their main army, under the command of the earls of Buchan, Lenox, and Mar, in order to relieve it. Warenne, not dismayed by the great superiority of their number, marched out to give them battle. He attacked them with great vigour; and as undisciplined troops, the more numerous they are, are but the more exposed to a panic upon any alarm, he soon threw them into confusion, and chased them off the field with great slaughter^O. The loss of the Scots is said to have amounted to 20,000 men: The castle of Dunbar, with all its garrison, surrendered next day to Edward, who, after the battle, had brought up the main body of the English, and who now proceeded with an assured confidence of success. The castle of Roxborough was yielded by James, steward of Scotland^P; and that nobleman, from whom is descended the royal family of Stuart, was again obliged to swear fealty to Edward. After a feeble resistance, the castles of Edinburgh and Stirling opened their gates to the enemy. All the southern parts were instantly subdued by the English; and to enable them the better to reduce the northern, whose inaccessible situation seemed to give them some more security, Edward received a strong reinforcement of Welsh and Irish, who being accustomed to a desultory kind of war, were the best qualified to pursue the fugitive Scots into the recesses of their lakes and mountains^Q. But the spirit of the nation was already broke by their misfortunes; and the feeble and timid Baliol, discontented with his own subjects,

^N Walsing. p. 66. Heming. vol. i. p. 89. Trivet, p. 289.
^O Walsing. p. 67. Heming. vol. i. p. 96. Trivet, p. 291.
 Chron. Dunst. vol. ii. p. 650. ^P Heming. vol. i. p. 97.
 Trivet, p. 292. ^Q Heming. vol. i. p. 98. Chron. Dunst. vol. ii. p. 650.

jects, and over-awed by the English, abandoned all those resources, which his people might have yet possessed in this extremity. He hastened to make his submissions to Edward; he expressed the deepest penitence for his disloyalty to his liege lord; and he made a solemn and irrevocable resignation of his crown into the hands of that monarch^R. Edward marched northwards to Aberdeen and Elgin, without meeting an enemy: No Scotsman approached him but to pay him submission and do him homage^S: Even the turbulent highlanders, ever refractory to their own princes, and averse to the restraint of laws, endeavoured to prevent the devastation of their country, by giving him early proofs of obedience: And Edward, having brought the whole kingdom to a seeming state of tranquillity, returned to the south with his army. There was a stone, to which the popular superstition of the Scots paid the highest veneration: All their kings were seated on it when they received the rite of inauguration: An antient tradition assured them, that wherever this stone was placed, their nation should always govern: And it was carefully preserved at Scone, as the true palladium of their monarchy, and their ultimate resource amidst all their misfortunes. Edward got possession of it; and carried it with him to England^T. He gave orders to destroy all the records, and all those monuments of antiquity, which might preserve the memory of the independence of the kingdom, and refute the English claims of superiority. The Scots pretend, that he also destroyed all the annals preserved in their convents: But it is not probable, that a nation, so rude and unpolished, should be possessed of any history, which deserves much to be regretted. The great seal of Baliol was broke; and that prince himself was carried a prisoner to London, and committed to custody in the Tower. Two years afterwards he was restored to his liberty, and submitted to a voluntary banishment in France, where, without making any farther attempts for the recovery of his royalty, he died in a private station. Earl Warenne was left governor of Scotland^U: Englishmen were entrusted

^R Rymer, vol. ii. p. 718. Walsing. p. 67. Heming. vol. i. p. 99. Trivet, p. 292. ^S Heming. vol. i. p. 100, 101. ^T Walsing. p. 68. Trivet, p. 299. ^U Rymer, vol. ii. p. 726. Trivet, p. 295.

CHAP. XIII. trusted with all the chief offices: And Edward, flattering himself that he had attained the end of all his wishes, and that the long train of fraud and violence which he had practised against Scotland, had terminated in the final reduction of that kingdom, returned with his victorious army into England.

War with France: AN attempt, which he made about the same time, for the recovery of Guienne, was not equally successful. He sent thither an army of 7000 men, under the command of his brother the earl of Lancaster; and that prince gained at first some advantages over the French at Bourdeaux: But he was soon after seized with a distemper, of which he died at Bayonne. The command devolved on the earl of Lincoln, who was not able to perform any thing considerable during the rest of the campaign ^w.

BUT the active and ambitious spirit of Edward, while his conquests brought such considerable accessions to the English monarchy, could not be satisfied, so long as Guienne, the antient patrimony of his family, was wrested from him by the dishonest artifices of the French monarch. Finding, that the distance of that province rendered all his efforts against it feeble and uncertain, he proposed to attack France in a quarter where she appeared more vulnerable; and with this view, he married his daughter Elizabeth to John earl of Holland, and at the same time contracted an alliance with Guy earl of Flanders, stipulated to pay him the sum of 75,000*l*. and projected an invasion with their united forces upon Philip, their common enemy ^x. He hoped, that, when he himself, at the head of the English, Flemish, and Dutch armies, re-inforced by his German allies, to whom he had promised or remitted very considerable sums, should enter the frontiers of France, and threaten the capital itself, Philip would at last be obliged to relinquish his acquisitions, and purchase peace by the restitution of Guienne. But in order to set this great machine in movement, considerable supplies were requisite from the parliament; and Edward, without much difficulty, obtained from the barons and knights a new grant of a twelfth of all their moveables, and from the boroughs,

^w Heming. vol. i. p. 72, 73, 74.
p. 761. Walsing. p. 68.

^x Rymer, vol. ii.

boroughs, that of an eighth. The great and almost unlimited power of the king over the latter, enabled him to throw the heaviest part of the burthen on them; and the prejudices, which he seems always to have entertained against the church, on account of their former zeal for the Mountfort faction, made him resolve to load them with still more considerable impositions, and he required of them a fifth of their moveables. But he here met with an opposition, which for some time disconcerted all his measures, and engaged him in enterprizes, which were somewhat dangerous to *him*, and would have proved ruinous to any of his predecessors.

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BONIFACE VIII. who had succeeded Celestine in the papal throne, was a man of the most lofty and enterprising spirit; and though he wanted that austerity of manners, which commonly accompanies ambition in men of his order, he was determined to carry the authority of the tiara, and his dominion over the temporal power, to as great a height as it had ever attained in any former period. Sensible that his immediate predecessors, by oppressing the church in every province of Christendom, had extremely alienated the affections of the clergy, and had afforded the civil magistrates a pretence for laying like impositions on ecclesiastical revenues, he attempted to resume the former station of the sovereign pontiff, and to establish himself as the common protector of the spiritual order against all invaders. For this purpose, he issued very early in his pontificate a general bull, prohibiting all princes to levy without his consent any taxes upon the clergy, and all clergymen to submit to such impositions; and threatening both of them with the penalties of excommunication in case of disobedience^A. This important edict is said to have been procured by the sollicitation of Robert de Winchelsey, archbishop of Canterbury, who intended to employ it as a rampart against the violent extortions which the church had felt from Edward, and the still greater, which that prince's multiplied necessities gave them reason to apprehend. When a demand, therefore, was made on the clergy of a fifth of their moveables, a tax which was probably much more grievous than a fifth of their revenue, as their lands were mostly stocked with their cattle, and cultivated

^A Rymer, vol. ii. p. 796. Henning. vol. i. p. 104.

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vated by their villains; the clergy took shelter under the bull of pope Boniface, and pleaded conscience in refusing compliance^B. The king came not immediately to extremities on this repulse; but after locking up all their granaries and barns, and prohibiting all rent to be paid them, he appointed a new synod, to confer upon his demand. The primate, not dismayed by these proofs of Edward's resolution, here plainly told him, that the clergy owed obedience to two sovereigns, their spiritual and their temporal; but their duty bound them to a much stricter attachment to the former than to the latter: They could not comply with his commands, (for such, in some measure, the requests of the crown were then deemed) in contradiction to the express prohibition of the sovereign pontiff^C.

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THE clergy had seen from many proofs, that Edward paid very little regard to those numerous privileges, on which they set so high a value. He had formerly seized, in an arbitrary manner, all the money and plate lodged in the churches and convents, and had applied them to the public service^D; and they could not but expect more violent treatment on this sharp refusal, grounded on such dangerous principles. Instead of applying to the pope for a relaxation of his bull, he resolved immediately to employ the power in his hands; and he told the ecclesiastics, that, since they refused to support the civil government, they were unworthy to receive any benefit from it; and he would accordingly put them out of the protection of the laws. This vigorous measure was immediately carried into execution^E. Orders were issued to the judges to receive no cause brought before them by the clergy; to hear and decide all causes in which they were defendants: To do every man justice against them; to do them justice against no body^F. The ecclesiastics found themselves in the most miserable situation imaginable. They could not remain in their own houses or convents for want of subsistence: If they went abroad, in quest of maintenance, they were dismounted from their horses, robbed of their cloaths, abused by every
russian,

^B Heming. vol. i. p. 107. Trivet, p. 296. Chron. Dunst. vol. ii. p. 652.

^C Heming. vol. i. p. 107.

^D Walsing.

p. 65. Heming. vol. i. p. 51.

^E Walsing.

p. 69.

Heming.

vol. i. p. 107.

^F M. West. p. 429.

ruffian, and no redress could be obtained by them for the most violent injury. The primate himself was attacked on the high-way, was stripped of all his equipage and furniture, and was at last reduced to board himself with a single servant in the house of a country clergyman^G. The king, mean-while, remained an indifferent spectator of all these violences; and without employing his officers in committing any immediate injury on the priests, which might have appeared invidious and oppressive, he took ample vengeance on them for their obstinate refusal of his demands. Though the archbishop issued a general sentence of excommunication against all who attacked the persons or property of ecclesiastics, it was not regarded; while Edward enjoyed the satisfaction of seeing the people become the voluntary instruments of his justice against them, and enure themselves to throw off that respect for the sacred order, by which they had been so long over-awed and governed.

THE spirits of the clergy were at last broke by this harsh treatment. Besides that the whole province of York; which lay nearest the danger that still hung over them from the Scots, voluntarily, from the first voted a fifth of their moveables; the bishops of Salisbury, Ely, and some others, made a composition for the secular clergy within their fees; and they agreed, not to pay the fifth, which would have been an act of disobedience to Boniface's bull, but to deposite a sum equivalent in some church appointed them; where it was taken by the king's officers^H. Many particular convents and clergymen made payment of a like sum, and received the king's protection^I. Those who had not ready money, entered into recognizances for the payment. And there was scarce found one ecclesiastic in the kingdom, who seemed willing to suffer for the sake of religious privileges, this new species of martyrdom, the most tedious and languishing of any, the most mortifying to spiritual pride, and not rewarded by that crown of glory, which the church holds up, with such ostentation, to her devoted adherents.

BUT

^G Heming. vol. i. p. 109.
109. Chron. Dunst. p. 653.
654.

^H Heming. vol. i. p. 108,
^I Chron. Dunst. vol. ii. p.

CHAP. XIII. ^{1297.} But as the money, granted by parliament, though considerable, was not sufficient to supply the king's necessities, and that levied by compositions with the clergy came in slowly, Edward was obliged, for the sake of farther supply, to exert his arbitrary power, and to lay an oppressive hand on all orders of men in the kingdom. He limited the merchants in the quantity of wool allowed to be exported; and at the same time forced them to pay him a duty of forty shillings a sack, which was computed to be much above the fifth of the value^A. He seized all the rest of the wool, as well as all the leather of the kingdom, into his hands, and disposed of these commodities for his own benefit^B: He required the sheriffs of each county to supply him with 2000 quarters of wheat, and as many of oats, which he permitted them to seize wherever they could find them: The cattle and other commodities necessary for supplying his army were laid hold of without the consent of the owners^C: And though he promised afterwards to pay the equivalent of all these goods, men saw but little probability that a prince, who submitted so little to the limitations of law, could ever, amidst his multiplied necessities, be reduced to a strict observance of his engagements. He shewed at the same time an equal disregard to the principles of the feudal law, by which all the lands of his kingdom were held: In order to encrease his army, and enabled him to support that great effort, which he proposed to make against France, he required the attendance of every proprietor of land, possessed of twenty pounds a year, even though he held not of the crown and was not obliged by the tenure of his estate to perform any such service^D.

THESE acts of violence and of arbitrary power, notwithstanding the great personal regard generally borne to the king, bred murmurs in every order of men; and it was not long, ere some of the great nobility, jealous of their own privileges, as well as of national liberty, gave countenance and authority to these complaints. Edward assembled an army on the sea-coast, which he proposed to send over into Gascony, while he himself should

in

^A Walsing. p. 69. Trivet, p. 296. ^B Heming. vol. i. p. 52, 110. ^C Heming. vol. i. p. 111. ^D Walsing. p. 69.

in person make an impression on the side of Flanders, CHAP. and he intended to put these forces under the command of Humphrey Bohun, earl of Hereford, the constable, and Roger Bigod, earl of Norfolk, the mareschal of England. But these two powerful earls refused to execute his commands, and affirmed, that they were only obliged by their office to attend his person in the wars. A violent altercation ensued; and the king in the height of his passion, addressing himself to the constable, exclaimed, *Sir earl, by God, you shall either go or bang.* By God, *Sir king*, replied Hereford, *I will neither go nor bang*^e. And he immediately departed, with the mareschal, and above thirty other considerable barons. XIII. 1297.

UPON this opposition, the king laid aside the project of an expedition against Guienne; and assembled the forces, which he himself proposed to transport into Flanders. But the two earls, irritated in the contest and elated by impunity, pretending that none of their ancestors had ever served in that country, refused to perform the duty of their office in mustering the army^f. The king, now finding it adviseable to proceed with moderation, instead of attainting the earls, who possessed their dignities by hereditary right, appointed Thomas de Berkeley, and Geoffrey de Geyneville, to act in that emergence, as constable and mareschal^g. He endeavoured to reconcile himself with the church; took the primate again into favour^h; made him, in conjunction with Reginald de Grey, tutor to the prince, whom he proposed to appoint guardian of the kingdom during his absence; and he even assembled a great number of the nobility in Westminster-hall, to whom he deigned to make an apology for his past conduct. He pleaded the urgent necessities of the crown; his extreme want of money; his engagements from honour as well as interest to support his allies abroad: And he promised, if ever he returned in safety, to redress all their grievances, to restore the execution of the laws, and to make all his subjects compensation for the losses, which they had sustained. Meanwhile, he begged them to suspend their animosities; to judge of him by his future behaviour, of which,

^e Heming. vol. i. p. 112.^f Rymer, vol. ii. p. 783.

Walsing p. 70.

^g M. West. p. 430.^h Heming. vol.

i. p. 113.

CHAP. which, he hoped, he should be more master; to remain
 XIII faithful to his government, or if he perished in the pre-
 sent war, to preserve their allegiance to his son and suc-
 cessor¹.

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THERE were certainly, from the concurrence of dis- contents among the great, and the grievances of the people, materials sufficient in any other period to have kindled a civil war in England: But the vigour and abilities of Edward kept every one in awe; and his dexterity in stopping on the brink of danger, and retracting the measures, to which he was pushed by his violent temper and arbitrary principles, saved the nation from so great calamity. The two great earls dared not to break out into open violence; and they proceeded no farther than framing a remonstrance, which was delivered to the king at Winchelsea, when he was ready to embark for Flanders. They there complained of the violations of the great charter, and that of forests; the violent seizure of corn, leather, cattle, and above all, of wool, a commodity, which they affirmed to be equal in value to half the lands of the kingdom; the arbitrary imposition of forty shillings a sack on the small quantity of wool allowed to be exported by the merchants; and they claimed an immediate redress of all these grievances^K. The king told them, that the greatest part of his council were now absent, and without their advice he could not deliberate on measures of so great consequence^L.

Diffen-
 tions with
 the ba-
 rons.

BUT the constable and marshal, with the barons of their party, resolved to take advantage of Edward's absence, and to obtain an authentic assent to their demands. When summoned to attend the parliament at London, they came with a great body of cavalry and infantry; and before they would enter the city, required that the gates should be put into their custody^M. The primate, who secretly favoured all their pretensions, advised the council to comply; and thus they became masters both of the young prince and of the resolutions of parliament. Their demands, however, were very moderate; and such as sufficiently justify the purity of their intentions

¹ Heming. vol. i. p. 114. M. West. p. 430. ^K Wal-
 sing. p. 72. Heming. vol. i. p. 115. Trivet, p. 302. ^L Wal-
 sing. p. 72. Heming. vol. i. p. 117. Trivet, p. 304.
^M Heming. vol. i. p. 138.

intentions in all their past measures : They only required, that the two charters should receive a solemn confirmation ; that a clause should be added to secure the nation for ever against all impositions and taxes without consent of parliament ; and that they themselves and their adherents, who had refused to attend the king into Flanders, should be pardoned for this offence, and should be again received into favour^N. The prince of Wales and his council assented to these terms ; and the charters were sent over to the king in Flanders to be there confirmed by him. Edward felt the utmost reluctance to this measure, which, he apprehended, would for the future impose fetters on his conduct, and set limits to his lawless authority. On various pretences, he delayed three days the giving any answer to the deputies ; and when the pernicious consequences of his refusal were represented to him, he was at last obliged, after many internal struggles, to affix his seal to the charters, as also to the clause that bereaved him of the power, which he had hitherto assumed, of imposing arbitrary taxes upon the people^O.

THAT we may finish at once this interesting transaction concerning the settlement of the charters, we shall briefly mention the subsequent events which relate to it. The constable and marshal, informed of the king's compliance, were satisfied ; and not only ceased from disturbing the government, but assisted the regency with all their power, against the Scots, who had risen in arms, and had thrown off the yoke of the English^P. But being sensible, that the smallest pretence would suffice to make Edward retract these detested laws, which, though they had often received the sanction both of the king and parliament, and had been acknowledged during three reigns, were never yet deemed to have sufficient validity ; they insisted, that he should again confirm them on his return to England, and should thereby renounce all plea which he might derive from his residing in a foreign country, when he formerly affixed his seal to them^Q. It appeared, that they judged aright of Edward's

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character

^N Walsing. p. 73. Heming. vol. i. p. 138, 139, 140, 141. Trivet, p. 308. ^O Walsing. p. 74. Heming. vol. i. p. 143. ^P Heming. vol. i. p. 143. ^Q Heming. vol. i. p. 159.

character and intentions: He delayed this confirmation as long as possible; and when the fear of worse consequences obliged him again to comply, he added expressly a salvo for his royal dignity or prerogative, which in effect enervated the whole force of the charters^R. The two earls and their adherents left the parliament in discontent; and the king was constrained, in a future concession, to grant to the people, without any subterfuge, a pure and absolute confirmation of those laws^S, which were so much the object of their passionate affection. Even farther securities were then provided for the establishment of national privileges. Three knights were appointed to be chosen in each county, and were invested with the power of punishing by fines and imprisonment, every transgression or violation of the charters^T: A precaution, which, though it was soon disused, as encroaching too much on royal prerogative, proves the attachment, which the English in that age bore to liberty, and their well-founded jealousy of the arbitrary disposition of Edward.

THE work, however, was not yet entirely finished and compleat. In order to execute the lesser charter, it was requisite by new perambulations to set bounds to the royal forests, and to disafforest all land which former encroachments had comprehended within their limits. Edward discovered the same reluctance to comply with this equitable demand; and it was not till after many delays on his part, and many solicitations and requests, and even menaces of war and violence^U, on the part of the barons, that the perambulations were made, and exact boundaries fixed, by a jury in each county, to the extent of his forests^W. Had not his ambitious and active temper raised him so many foreign enemies, and obliged him to have recourse so often to the assistance of his subjects, it is likely that these concessions could never have been extorted from him.

BUT

^R Heming. vol. i. p. 167, 168. ^S Heming. vol. i. p. 168. ^T Hemingford, vol. i. p. 170. ^U Walsing. p. 80. We are told by Tyrrel, vol. ii. p. 145. from the Chronicle of St. Albans, that the barons, not contented with the execution of the charter of forests, demanded of Edward as high terms as had been imposed on his father by the earl of Leicester: But no other historian mentions this particular. ^W Heming. vol. i. p. 171. M. West. p. 431, 433.

BUT while the people, after so many successful struggles, deemed themselves happy in the secure possession of their privileges; they were surprized in 1305 to find, that Edward had secretly applied to Rome, and had procured from that mercenary court, an absolution from all the oaths and engagements, which he had so often reiterated to observe both the charters. There are some historians^x so credulous as to imagine, that this perilous step was taken by him for no other purpose than to acquire the merit of granting a new confirmation of the charters, as he did soon after; and a confirmation so much the more unquestionable, as it could never after be invalidated by his successors from the pretence of any force or violence which had been imposed on him. But besides, that this might have been done with a much better grace, if he had never applied for any such absolution, the whole tenor of his conduct proves him to be little susceptible of such refinements in patriotism; and this very deed itself, in which he confirmed anew the charters, carries on the face of it a very opposite presumption. Though he ratified the charters in general, he still laid hold of the papal bull so far as to invalidate the late perambulations of the forests, which had been made with such care and attention, and to reserve to himself the power, in case of favourable incidents, to extend as much as formerly these arbitrary jurisdictions. If the power was not in fact made use of, we can only conclude, that the favourable incidents did not occur.

THUS, after the contests of near a whole century, and those ever accompanied with violent jealousies, often with public convulsions, the great charter was finally established; and the English nation have the honour of extorting, by their perseverance, this concession from the ablest, the most warlike, and the most ambitious of all their princes^y. It is computed that above thirty confirmations of it were at different times required of several

R 2

^x Brady, vol. ii. p. 84. Carte, vol. ii. p. 292.

^y It must however be remarked, that the king never forgave the chief actors in this transaction, and he found means afterwards to oblige both the constable and marshal to resign their offices into his hands. The former received a new grant of it: But the office of marshal was given to Thomas of Brotherton, the king's second son.

CHAP. ral kings, and granted by them, in full parliament; a
XIII. precaution, which, while it discovers some ignorance of
 1297. the true nature of law and government, proves a very
 laudable jealousy of national privileges in the people, and
 an extreme anxiety, lest contrary precedents should ever
 be pleaded as an authority for infringing them. Accord-
 ingly we find, that, though arbitrary practices often pre-
 vailed, and were even able to establish themselves into
 settled customs, the validity of the great charter was ne-
 ver afterwards formally disputed; and that grant was still
 regarded as the basis of English government, and the
 sure rule by which the authority of every custom was
 to be tried and canvassed. The jurisdiction of the Star-
 chamber, martial law, imprisonment by warrants from the
 privy council, and other practices of a like nature,
 though established for several centuries, were scarce ever
 allowed by the English to be parts of their constitution:
 The affection of the nation for liberty still prevailed over
 all precedent; and even all political reasoning: The exer-
 cise of these powers, after being long the source of secret
 murmurs among the people, was, in fullness of time, so-
 lemnly abolished, as illegal, at least as oppressive, by the
 whole legislative authority.

To return to the period, from which this account of
 the charters has led us: Though the king's impatience to
 appear at the head of his armies in Flanders made him
 overlook all considerations, either of domestic discon-
 tents or of commotions among the Scots; he had been
 so long retarded by the several obstructions thrown in his
 way, that he lost the proper season for action, and after
 his arrival made no progress against the enemy. The
 king of France, taking advantage of his absence, had
 broke into the Low Countries; had defeated the Flem-
 ings in the battle of Furnes; had made himself master
 of Lille, St. Omer, Courtrai, and Ypres; and seemed
 in a situation to take full vengeance on the earl of Flan-
 ders, his rebellious vassal. But Edward, seconded by
 an English army of 50,000 men (for this is the number
 assigned by historians²) was soon able to stop the career
 of his victories; and Philip, finding all the weak re-
 sources of his kingdom to be already exhausted, began
 to dread a reverse of fortune, and to apprehend an in-
 vasion

² Heming. vol. i p. 146.

vasion on France itself. The king of England, on the other hand, disappointed of assistance from Adolph, king of the Romans, which he had purchased at a very high price, and finding many urgent calls for his presence in England, was desirous of ending on any honourable terms a war, which served only to divert his force from the execution of more important projects. This disposition of both monarchs soon produced a cessation of hostilities for two years; and engaged them to submit their differences to the arbitration of pope Boniface.

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BONIFACE was the last of the sovereign pontiffs who exercised an authority over the temporal jurisdiction of princes; and these exorbitant pretensions, which he had been tempted to assume from the successful example of his predecessors, but of which the season was now past, involved him in so many calamities, and were attended with so unfortunate a catastrophe, that they have been secretly abandoned, though never openly relinquished, by his successors in the apostolic chair. Edward and Philip, equally jealous of papal claims, took care to insert in their reference, that Boniface was made judge of the differences by their consent, as a private person, not by any right of his pontificate; and the pope, without seeming to be offended at this mortifying clause, proceeded to give a sentence between them, in which they both acquiesced ^A. He brought them to agree, that their union should be cemented by a double marriage; that of Edward himself, who was now a widower, with Margaret, Philip's sister, and that of the prince of Wales, with Isabella, daughter of that monarch ^B. Philip was likewise willing to restore Guienne to the English, which he had indeed no pretensions to detain; but he insisted, that the Scots and their king, John Baliol, should, as his allies, be also comprehended in the treaty, and should be restored to their liberty. The difference was, after several disputes, compromised by making mutual sacrifices to each other. Edward agreed to abandon his ally the earl of Flanders, on condition that Philip should treat in like manner his ally the king of Scots. The prospect of conquering these two countries, whose situation made them so commodious an acquisition to the different kingdoms, prevailed

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^A Rymer, vol. ii. p. 817. Heming. vol. i. p. 149. Trivet, p. 310. ^B Rymer, vol. ii. p. 823.

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prevailed over all other considerations; and though they were both finally disappointed in their hopes, their conduct was very reconcilable to the principles of an interested policy. This was the first specimen which the Scots had of the French alliance, and which was exactly conformable to what a smaller power must always expect, when it blindly attaches itself to the will and fortunes of a greater. That unhappy people, now engaged in a brave, though unequal contest for their liberties, were totally abandoned by the ally, in whom they reposed their final confidence, to the will of an imperious conqueror.

Revolt of
Scotland.

THOUGH England, as well as all other European countries, was, in its antient state, very ill qualified for making, and still worse for maintaining conquests, Scotland was so much inferior in its internal force, and was so ill situated for receiving foreign succours, that it is no wonder an ambitious monarch should have cast his eye on so tempting an acquisition, which brought both security and greatness to his native kingdom. But the instruments whom Edward employed to maintain his dominion over the northern kingdom, were not happily chosen; and acted not with the requisite prudence and moderation, in reconciling the Scottish nation to a yoke, which they bore with such extreme reluctance. Warrene retiring into England, on account of his bad state of health, left the administration entirely in the hands of Ormesby, who was appointed justiciary of Scotland, and Crefingham, who bore the office of treasurer; and a very small military force remained to secure the precarious authority of these ministers. The latter had no other object but the amassing money by rapine and injustice: The former distinguished himself by the rigour and severity of his temper: And both of them, treating the Scots as a conquered people, made them sensible, too early, of the grievous servitude into which they had fallen. As Edward required, that all the proprietors of land should swear fealty to him; every one, who refused or delayed the giving this testimony of submission, was outlawed, and confined, and punished without mercy; and the bravest and most generous spirits of the nation were thus exasperated to the highest degree against the English government^c.

T H E R E

^c Walsing. p. 70. Heming. vol. i. p. 118. Trivet, p. 299.

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THERE was one William Wallace, of a small fortune, but descended of an antient family, in the west of Scotland, whose courage prompted him to undertake, and enabled him finally to execute, the desperate attempt of delivering his native country from the dominion of foreigners. This man, whose valorous exploits are the object of just admiration, but have been much exaggerated by the traditions of his countrymen, had been provoked by the insolence of an English officer to put him to death; and finding himself obnoxious on that account to the severity of the administration, he fled into the woods, and offered himself as a leader to all those whom their crimes or bad fortune, or avowed hatred of the English had reduced to a like necessity. He was endowed with a gigantic force of body, with heroic courage of mind, with disinterested magnanimity, with an incredible patience and ability to bear hunger, fatigue, and all the severities of the seasons; and he soon acquired among those desperate fugitives that authority to which his virtues so justly intitled him. Beginning with small attempts, in which he was always successful, he gradually proceeded to more momentous enterprizes; and he discovered equal caution in securing his followers, and valour in annoying the enemy. By his knowledge of the country, he was enabled, when pursued, to ensure a retreat among the morasses or forests or mountains; and again, collecting his dispersed associates, he appeared unexpectedly in another quarter, and surprized and routed and put to the sword the unwary English. Every day brought accounts of his great actions, which were received with no less favour by his countrymen, than terror by the enemy: All those, who thirsted after military fame, were desirous to partake of his renown: His successful valour seemed to vindicate the nation from the ignominy into which it had fallen, by its tame submission to the English: And though no nobleman of note ventured as yet to join his party, he had gained a general confidence and attachment, which birth and fortune are not alone able to confer.

WALLACE, having by many fortunate enterprizes, brought the valour of his followers, to correspond to his own, resolved to strike a decisive blow against the English government; and he concerted the plan of attacking Ormesby at Scone, and of taking vengeance on him, for
all

CHAP. all the violence and tyranny of which he had been
 XIII. guilty. The justiciary, apprized of his intention, fled
 hastily into England: All the other officers of that na-
 tion imitated his example: Their terror added alacrity
 1298. and courage to the Scots, who betook themselves to arms
 in every quarter: Many of the principal barons, and
 among the rest sir William Douglas^D, openly counte-
 nanced Wallace's party: Robert Bruce secretly favoured
 and promoted the same cause: And the Scots, shaking
 off their fetters, prepared themselves to defend, by an
 united effort, that liberty which they had so unexpect-
 edly recovered from the hands of their oppressors.

BUT Warrene, collecting an army of 40,000 men in
 the north of England, prepared to re-establish his au-
 thority; and he endeavoured, by the celerity of his ar-
 mament, and of his march, to compensate for his past
 negligence, which had enabled the Scots to shake off the
 English government. He suddenly entered Annandale,
 and came up with the enemy at Irvine, before their
 forces were fully collected, and before they had put
 themselves in a proper posture of defence. Many of
 the Scots nobles, alarmed with their dangerous situation,
 here submitted to the English, renewed their oaths of
 fealty, promised to deliver hostages for their good be-
 haviour, and received a pardon for past offences^E.
 Others who had not yet declared themselves, such as the
 steward of Scotland and the earl of Lennox, joined,
 though with reluctance, the English army; and waited a
 favourable opportunity of embracing the cause of their
 distressed countrymen. But Wallace, whose authority
 over his retainers was more fully confirmed by the ab-
 sence of the great nobles, persevered obstinately in his
 purpose; and finding himself unable to give battle to the
 enemy, he marched northwards, with an intention of
 prolonging the war, and of turning to his advantage the
 situation of that mountainous and barren country. When
 Warrene advanced to Stirling, he found Wallace en-
 camped at Cambuskenneth, on the opposite banks of the
 Forth; and being continually urged by the impatient
 Cressingham, who was actuated both by personal and na-
 tional

^D Walsing. p. 70. Heming. vol. i. p. 118.
 vol. i. p. 121, 122.

^E Heming.

tional animosities against the Scots^F, he prepared to attack them in that position, which Wallace, no less prudent than courageous, had chosen for his army^G. In spite of the remonstrances of Sir Richard Lundy a Scotsman of birth and family, who sincerely adhered to the English, he ordered his army to pass a bridge which lay over the Forth; but he was soon convinced, by fatal experience, of the error of his conduct. Wallace, allowing such numbers of the English to pass as he thought proper, attacked them before they were fully formed, put them to rout, pushed part of them into the river, where they were drowned, destroyed the rest by the edge of the sword, and obtained a complete victory over them^H. Among the slain was Cressingham himself, whose memory was so extremely odious to the Scots, that they flea'd his dead body, and made saddles and girths of his skin^I. Warenen, finding the remainder of his army much dismayed by this misfortune, was obliged again to evacuate the kingdom and retire into England. The castles of Roxborough and Berwick, ill fortified and feebly defended, fell soon after into the hands of the Scots.

WALLACE, universally revered as the deliverer of his country, now received from the hands of his followers, the dignity of regent or guardian under the captive Baliol; and finding that the disorders of war, as well as the unfavourable seasons, had produced a famine in Scotland, he urged his army to march into England, to subsist at the expence of the enemy, and to revenge all past injuries, by retaliating on that hostile nation. The Scots, who deemed every thing possible under such a leader, joyfully attended his call; and Wallace, breaking into the northern counties during the winter season, laid every place waste with fire and sword; and after extending on all sides, without opposition, the fury of his ravages, as far as the bishopric of Durham, he returned loaded with spoils, and crowned with glory, into his own country^K. The disorders, which at that time prevailed in England, from the refractory behaviour of the constable and marshal,

^F Heming. vol. i. p. 127.
ber 1297.

^G On the 11th of September 1297.
^H Walsing. p. 73. Heming. vol. i. p. 127, 128, 129. Trivet, p. 307.

^I Heming. vol. i. p. 130.

^K Heming. vol. i. p. 131, 132, 133.

CHAP. chal, made it impossible to collect an army sufficient to
 XIII. resist the enemy, and exposed the nation to this loss and
 dishonour.

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BUT Edward, who received in Flanders intelligence of these events, and had already concluded a truce with France, now hastened over into England, in certain hopes, by his activity and valour, not only of wiping off this disgrace, but of recovering that important conquest of Scotland, which he always regarded as the chief glory and advantage of his reign. He appeased the murmurs of his people by concessions and promises: He restored to the citizens of London the election of their own magistrates, of which they had been bereaved in the latter part of his father's reign: He ordered strict enquiry to be made concerning the quantities of corn and other goods, which had been violently seized before his departure, as if he intended to pay the value to the owners^L: And making public professions of confirming and observing the charters, he regained the confidence of the discontented nobles. Having by all these popular arts rendered himself entirely master of his people, he collected the whole military force of England, Wales, and Ireland; and marched with an army of near an hundred thousand combatants to the northern frontiers.

NOTHING could have enabled the Scots to resist, but for one season, so mighty a power, except an entire union among themselves; but as they were deprived of their king, whose personal qualities, even when he was present, appeared so contemptible, and left among his subjects no principle of attachment to him or his family; factions, jealousies, and animosities unavoidably arose among the great, and distracted all their councils. The elevation of Wallace, though purchased by so great merit, and such eminent services, was the object of envy to the nobility, who repined to see a private gentleman raised above them by his rank, and still more by his glory and reputation. Wallace himself, sensible of their jealousy, and dreading the ruin of his country from those intestine discords, voluntarily resigned his authority, and retained only the command over that body of his followers, who, being accustomed to victory under his standard,

^L Rymer, vol. ii p. 813.

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dard, refused to follow into the field any other leaper. The chief power devolved on the steward of Scotland, and Cummin of Badenoch; men of eminent birth, under whom the great chieftains were more willing to serve in defence of their country. The two Scottish commanders, collecting their several forces from every quarter, fixed their station at Falkirk, and proposed there to abide the assault of the English. Wallace was at the head of a third body, which acted under his command. The Scots army placed their pikemen along their front: Interlined the intervals between the three bodies with archers: And dreading the great superiority of the English in cavalry, endeavoured to secure their front by palisadoes, tied together with ropes^M. In this disposition, they expected the approach of the enemy.

THE king, when he arrived in sight of the Scots, 22d July. was pleased with the prospect of being able, by one decisive stroke, to determine the fortune of the war; and dividing his army also into three bodies, he led them to the attack. The English archers, who began about this time to surpass those of other nations, first chaced the Scottish bowmen off the field; and then pouring in their arrows among the pikemen, who were cooped up within their intrenchments, began to throw them into disorder, and rendered the assault of the English pikemen and cavalry more easy and successful. The whole Scottish army was broke, and chaced off the field with great slaughter; which the historians, attending more to the exaggerated relations of the populace, than to the probability of things, make amount to fifty or sixty thousand men^N. It is only certain, that the Scots never suffered a greater loss in any action, nor one which seemed to threaten more inevitable ruin to their country.

IN this general rout of the army, Wallace's military skill and presence of mind enabled him to keep his troops entire; and retiring behind the Carron, he marched leisurely along the banks of that small river, which protected him from the enemy. Young Bruce, who had already given many proofs of his aspiring genius, but who

^M Walsing. p. 75. Heming. vol. i. p. 163. ^N Walsing. p. 76. T. Wykes, p. 126. Heming. vol. i. p. 163. 164. 165. Trivet, p. 313, says only 20,000. M. West. p. 431, says 40,000.

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XIII.

1298.

who served hitherto in the English army, appeared on the opposite banks; and distinguishing the Scottish chieftain, as well by his majestic port, as by the intrepid activity of his behaviour, called out to him, and desired a short conference. He here represented to Wallace the fruitless and ruinous enterprize in which he was engaged; and endeavoured to persuade him to bend at last his inflexible spirit to submission under superior power and superior fortune: He insisted on the unequal contest between a weak state, deprived of its head and agitated by intestine discord, and a mighty nation, conducted by the ablest and most martial monarch of the age, and possessed of every resource either for drawing out the war, or for pushing it with vigour and activity: If the love of his country was his motive for perseverance, his obstinacy tended only to prolong her misery; if he carried his views to private grandeur and ambition, he might reflect, that, even if Edward should withdraw his armies, it appeared from past experience, that so many haughty nobles, proud of the pre-eminence of their families, would never submit to personal merit, whose superiority they were less inclined to regard as an object of admiration, than as a reproach and injury to themselves. To these exhortations Wallace replied, that if he had hitherto acted alone, as the champion of his native country; it was solely because no second or competitor, or what he rather wished, no leader had as yet appeared to place himself in that honourable station: That the blame lay entirely on the nobility, and chiefly on Bruce himself, who uniting personal merit to dignity of family, had deserted the post, which both nature and fortune, by such powerful calls, invited him to assume: That the Scots, possessed of such a head, would, by their unanimity and concord, have surmounted the chief difficulty under which they now laboured, and might hope, notwithstanding their present losses, to oppose successfully all the abilities and power of Edward: That heaven itself could not set a more glorious prize before the eyes either of virtue or ambition, than to conjoin in one object, the acquisition of royalty with the defence of national independence: And that as the interests of his country, no more than those of a brave man, could never be sincerely cultivated by a sacrifice of liberty, he himself was determined, as far as possible, to prolong, not her misery,

but

but her freedom, and was desirous, that his own life, as well as the existence of the nation, might terminate, when they could no longer be preserved but by receiving the chains of a haughty victor. The gallantry of these sentiments, though delivered by an armed enemy, struck the generous mind of Bruce: The flame was conveyed from the breast of one hero to that of another: He repented of his engagements with Edward; and opening his eyes to the honourable path, pointed out to him by Wallace, secretly determined to seize the first opportunity of embracing the cause, however desperate, of his oppressed country^o.

THE subjection of Scotland, notwithstanding this great victory of Edward, was not yet entirely completed. The English army, after reducing all the southern provinces, was obliged to retire for want of provisions; and left the northern counties in the hand of the natives. The Scots, no less enraged with their present defeat, than elevated by their past victories, still maintained the contest for liberty; but being fully sensible of the great inferiority of their forces, they endeavoured, by application to foreign courts, to procure themselves some assistance. The supplications of the Scottish ministers were rejected by Philip; but were more successful with the court of Rome. Boniface, pleased with an occasion of exerting his authority, wrote a letter to Edward, exhorting him to put a stop to the oppressions of Scotland, and displaying all the proofs, such as they had probably been furnished him by the Scots themselves, for the antient independence of that kingdom^p. Among other arguments, hinted at above, he mentioned the treaty conducted and finished by Edward himself for the marriage of his son with the heiress of Scotland; a treaty which would have been absurd had he been superior lord of the kingdom, and had possessed by the feudal law the right of disposing of his ward in marriage. He mentioned several other

^o This story is told by all the Scots writers; though it must be owned that Trivet and Hemingford, authors of good credit, both agree that Bruce was not in Edward's army.

^p Rymer, vol. ii. 844. Walsing. p. 78, 80. Heming. vol. i. p. 172. Trivet, p. 318. M. West. p. 435.

CHAP. other striking facts, which fell within the compass of

XIII. Edward's own knowledge; particularly, that Alexander, when he did homage to the king, openly and expressly declared in his presence, that he swore fealty not for his crown, but for the lands which he held in England: And the pope's letter might have passed for a reasonable one, had he not subjoined his own claim to be liege lord of Scotland; a right, which had not once been heard of, but which, with a singular confidence, he asserted to be full, entire, and derived from the most remote antiquity. The affirmative style, which had been so successful with him and his predecessors in spiritual contests, was never before abused after so egregious a manner in any civil controversy.

1301. THE reply, which Edward wrote to Boniface's letter, contains particulars, no less singular and remarkable. He there proves the superiority of England by historical facts, deduced from Brutus, the Trojan, who, he said, first founded the British monarchy in the age of Eli and Samuel: He supports his position by all the events which passed in the island before the arrival of the Romans: And after laying great stress on the extensive dominion and heroic victories of king Arthur, he vouchsafes at last to descend to the times of Edward the elder, with which, in his speech to the states of Scotland, he had chosen to begin his claim of superiority. He asserts it to be a fact, *notorious and confirmed by the records of antiquity*, that the English monarchs had often conferred the kingdom of Scotland on their own subjects; had dethroned these vassal kings when unfaithful to them; and had substituted others in their place. He displays with great pomp the full and complete homage which William had done to Henry II. without mentioning the formal abolition of that *extorted* deed by king Richard, and the renunciation of all future claims of the same nature. Yet this paper he begins with a solemn appeal to the Almighty, the searcher of hearts, for his own firm persuasion of the justice of his claim; and no less than an hundred and four barons assembled in parliament at Lincoln, concur, in maintaining before the pope, under their

¶ Rymer, vol. ii. p. 863. Walsing. p. 81. Heming. vol. i. p. 177. Trivet, p. 320. M. West. p. 439. Ryley, p. 596.

their seals, the validity of these pretensions^R. At the same time, however, they take care to inform Boniface, that, tho' they had justified their cause before him, they did not receive him for their judge: The crown of England was free and sovereign: They had sworn to maintain all its royal prerogatives, and would never permit the king himself, were he willing, to relinquish its independency.

THAT neglect, almost total, of truth and justice, which sovereign states discover in their transactions with each other, is an evil inveterate in the world; is one great source of the misery to which the human race is continually exposed; and it may be doubted, whether in many instances it is found in the end to contribute to the interests of those princes themselves, who thus sacrifice their integrity to their politics. As few monarchs have lain under stronger temptations to violate the principles of equity, than Edward in his transactions with Scotland; so never were they violated with less scruple and reserve: Yet his advantages were hitherto precarious and uncertain; and the Scots, once roused to arms and enured to war, began to appear a formidable enemy, even to this military and ambitious prince. They chose John Scotland Cummin for their regent; and not content with maintaining their independence in the northern parts, they made again re-incursions into the southern counties, which Edward imagined he had totally subdued. John de Segrave, whom he had left guardian of Scotland, led an army to oppose them; and lying at Roslin near Edinburgh, sent out his forces in three divisions, to provide themselves in forage and subsistence from the neighbourhood. One party was suddenly attacked by the regent and Sir Simon Fraser; and being unprepared, were immediately routed and pursued with great slaughter. The few that escaped, flying to the second division, gave warning of the approach of the enemy: The soldiers ran to their colours: And were immediately led out to take revenge for the death of their countrymen. The Scots, elated with the advantage already obtained, made a vigorous impression upon them: The English, animated with the thirst of ven-

^R Rymer, vol. ii. p. 873. Walsing. p. 85. Heming. vol. i. p. 186. Trivet, p. 330. M. West. p. 443.

CHAP. vengeance, maintained a stout resistance: The victory
 XIII. was long undecided between them; but at last declared
 itself entirely in favour of the former, who broke the
 1303. English, and chased them to the third division, now advancing with a hasty march to support their distressed companions. Many of the Scots had fallen in the first two actions; most of them were wounded; and all of them extremely fatigued by the long continuance of the combat: Yet were they so transported with success and military rage, that, having suddenly recovered their order and arming the followers of their camp with the spoils of the slaughtered enemy, they drove with fury upon the ranks of the dismayed English. The favourable moment decided the battle; which the Scots, had they met with a steady resistance, were not long able to maintain: The English were chased off the field: Three victories were thus gained in one day^s: And the renown of these great exploits, seconded by the favourable dispositions of the people, soon made the regent master of all the fortresses in the south; and it became necessary for Edward to begin anew the conquest of the kingdom.

Is again
 subdued.

THE king prepared himself for this enterprize with his usual vigour and ability. He assembled both a great fleet and a great army; and entering the frontiers of Scotland, appeared with a force, which the enemy could not think of resisting in the open field: The English navy which sailed along the coast, secured the army from any danger of famine: Edward's vigilance preserved them from surprizes: And by this prudent disposition they marched victoriously from one extremity of the kingdom to the other, ravaging the open country, taking in all the castles^T, and receiving the submissions of all the nobility, even those of Cummin the regent. The most obstinate resistance was made by the castle of Brechin, defended by Sir Thomas Maule, and the place opened not its gates, till the death of the governor, by discouraging the garrison, obliged them to submit to the fate, which had overwhelmed the rest of the kingdom. Wallace, tho' he attended the English army in their march, found but few opportunities of signalizing that valour, which had formerly made him so terrible to his enemies.

EDWARD,

^s Heming. vol. i. p. 197. ^T Ibid. p. 205.

EDWARD, having compleated his conquest, which employed him during the space of near two years, now undertook the more difficult work, of settling the country, of establishing a new form of government, and of making his acquisition durable to the crown of England. He seems to have carried matters to extremity against the natives: He abrogated all the Scottish laws and customs^U: He endeavoured to substitute the English in their place: He entirely razed or destroyed all the monuments of antiquity: Such records or histories as had escaped his former search were now burnt or dispersed: And he hastened, by too precipitate steps, to abolish entirely the Scottish name, and to sink it finally in the English.

EDWARD, however, still deemed his favourite conquest exposed to some danger, so long as Wallace was alive; and being prompted both by revenge and policy, he employed every art to discover his retreat, and become master of his person. At last, that hardy warrior, who was determined, amidst the universal slavery of his countrymen, still to maintain his independence, was betrayed into Edward's hands by Sir John Monteith, his friend, whom he had made acquainted with the place of his concealment. The king, whose natural bravery and enterprize should have induced him to respect like qualities in an enemy, enraged at some violences committed by Wallace during the fury of war^W, resolved to overawe the Scots by an example of severity; and he ordered Wallace to be carried up in chains to London; to be tried as a rebel and traitor, tho' he never had made submissions nor sworn fealty to England; and to be executed on Tower-hill^A. This was the unworthy fate of a hero, who, thro' a course of many years, had, with signal conduct, intrepidity and perseverance, defended against a public and oppressive enemy, the liberties of his native country.

23d August.

BUT the barbarous policy of Edward failed of the purpose to which it was directed. The Scots, already disgusted with the great innovations introduced by the sword of a conqueror into their laws and government,

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were

^U Ryley, p. 506. ^W Walsing. p. 84. Heming. vol. i. p. 126. ^A Walsing. p. 90. Trivet, p. 340. Marianus, p. 36.

CHAP. were farther enraged at the injustice and cruelty exercised upon Wallace; and all the envy, which, during
 XIII. his life-time, had attended that gallant chieftain, being
 1305. now buried in his grave, he was universally regarded as the champion of Scotland, and the patron of her expiring independence. The people, inflamed with resentment, were every where disposed to rise against the English government; and it was not long ere a new and more fortunate leader presented himself, who conducted them to liberty, to victory, and to vengeance.

1306. ROBERT BRUCE, the son^y of that Robert, who had been one of the competitors for the crown, had succeeded, by his father's death, to all his pretensions, and the death of John Baliol, which happened nearly about the same time in France, together with the captivity of Edward, the eldest son of that prince, seemed to open a full career to the genius and ambition of this young nobleman. He saw, that the Scots, when the right to their crown had expired in the males of their antient royal family, had been divided into parties nearly equal between the houses of Bruce and Baliol; and that every incident, which had since happened, had tended to wean them from any attachment to the latter. The slender capacity of John had proved unable to defend them against their enemies: He had meanly resigned his crown into the hands of the conqueror^z. He had, before his delivery from captivity, re-iterated that resignation in a manner seemingly voluntary; and had in that act thrown out many reflections extremely dishonourable to his antient subjects, whom he publicly called traitors, ruffians, and rebels, and with whom, he declared, he was determined to maintain no farther correspondence^z: He had, during the time of his exile, adhered strictly to that resolution, and his son, being a prisoner, seemed ill qualified to revive the rights, now fully abandoned, of his family. Bruce therefore hoped, that the Scots, so long exposed, from the want of a leader, to the oppressions of their enemies, would unanimously fly to his standard, and

^y Hemingford, vol. i. p. 218. calls him the grandson of Robert; and is very particular in the account of the times in which his father and grandfather died. Hemingford is one of the historians of that age.

^z Brady's hist. vol. ii. App. No. 27.

and would seat him on the vacant throne, to which he brought such plausible pretensions. His aspiring spirit, inflamed by the fervor of youth, and buoyed up by his natural courage, saw the glory alone of the enterprize, or regarded the prodigious difficulties, which attended it, as the source only of farther glory. The miseries and oppressions, which he had beheld his countrymen suffer in their unequal contest; the repeated defeats and misfortunes, which they had undergone, proved to him so many incentives to bring them relief, and conduct them to revenge against the haughty victors. The circumstances, which attended Bruce's first declaration, are variously related; but we shall rather follow the account given by the Scots historians; not that their authority is in general any wise to be compared to that of the English; but because they may be supposed sometimes better informed concerning facts, which so nearly interested their own nation.

BRUCE, who had long harboured in his breast the design of freeing his enslaved country, ventured at last to open his mind to John Cummin, a powerful nobleman, with whom he lived in strict intimacy. He found in his friend all the appearance of his own sentiments; and needed to employ no arts of persuasion to make him embrace the resolution of throwing off, on the first favourable opportunity, the usurped dominion of the English. But on the departure of Bruce, who attended Edward to London, Cummin, who either had dissembled all along with him, or began to reflect more coolly in his absence on the desperate nature of the undertaking, resolved to atone for his crime of assenting to this rebellion, by the merit of revealing the secret to the king of England. Edward did not immediately commit Bruce to custody; because he proposed, at the same time, to seize his three brothers, who resided in Scotland; and he contented himself with secretly setting spies upon him, and ordering all his motions to be strictly guarded. A nobleman of Edward's court, Bruce's intimate friend, was apprized of his danger; but not daring, amidst so many watchful eyes, to hold any conversation with him, he fell on an expedient to give him warning, that it was full time he should make his escape. He sent him by a servant, a pair of gilt spurs and a purse of gold, which he pretended to have borrowed from him; and left it to the sagacious

CHAP. XIII. city of his friend to discover the meaning of the present. Bruce immediately contrived the means of his escape ; and as the ground was at that time covered with snow, he had the precaution, it is said, to order his horses to be shod with their shoes turned backwards, that he might deceive those, who should track his path over open fields or cross roads, thro' which he purposed to travel. He arrived in a few days at Dumfries in Annandale the chief seat of his family interest ; and he happily found a great number of the Scottish nobility there assembled, and among the rest, John Cummin, his former associate.

10th Feb. THE noblemen were astonished at the appearance of Bruce in their company ; and still more when he discovered to them the object of his journey. He told them, that he was come to live or die with them in defence of the liberties of his country, and hoped, with their assistance, to redeem the Scottish name from all the indignities, which it had so long suffered from the tyranny of their imperious masters : That the sacrifice of the rights of his family was the first injury which had prepared the way for their ensuing slavery ; and by resuming them, which was his firm purpose, he opened to them the joyful prospect of recovering from the fraudulent usurper their antient and hereditary independence : That all their past misfortunes had proceeded from their disunion ; and they would soon appear no less formidable than of old to their enemies, if they now deigned to follow into the field their rightful prince, who knew no medium between death and victory : That their mountains and their valour, which had, during so many ages, protected their liberty from all the efforts of the Roman empire, would still be sufficient, were they worthy of their generous ancestors, to defend them against the utmost violence of the English tyrant : That it was unbecoming men, born to the most antient independence, known in Europe, to submit to the will of any masters ; but fatal to receive those, who, being irritated by such persevering opposition, and enflamed with the highest animosity, would never deem themselves secure of their usurped dominion but by exterminating all the antient nobility, and even all the antient inhabitants : And that, being reduced to this desperate extremity, it were better for them at once to perish, like brave men, with their swords

swords in their hands, than to dread long, and at last undergo, the fate of the unfortunate Wallace, whose merits, in the brave and obstinate defence of his country, were finally rewarded by the hands of an English executioner.

1306.

THE spirit with which this discourse was delivered, the bold sentiments which it conveyed, the novelty of Bruce's declaration, assisted by the graces of his youth and manly deportment, made deep impression on the minds of his audience, and roused all those principles of indignation and revenge, with which they had long been secretly actuated. The Scottish nobles declared their unanimous resolution to use the utmost efforts in delivering their country from bondage, and to second the courage of Bruce, in asserting his and their undoubted rights, against their common oppressors. Cummin alone, who had secretly taken his measures with the king, opposed this general determination; and by representing the great power of England, governed by a prince of such uncommon vigour and abilities, he endeavoured to set before them the certain destruction, which they must apprehend, if they again violated their oaths of fealty, and shook off their allegiance to the victorious Edward². Bruce, already apprized of his treachery, and foreseeing the certain failure of his own schemes of ambition and glory from the opposition of so potent a leader, took immediately his resolution; and moved partly by resentment, partly by policy, followed Cummin on the dissolution of the assembly, attacked him in the cloysters of the Grey Friars thro' which he passed, and running him thro' the body, left him for dead. Sir Thomas Kirkpatric, one of Bruce's friends, asking him soon after, if the traitor was slain; *I believe so*, replied Bruce. *And is that a matter*, cried Kirkpatric, *to be left to conjecture? I will secure him*. Upon which he drew his dagger, ran to Cummin, and stabbed him to the heart. This deed of Bruce and his associates, which contains circumstances, justly condemned by our present manners, was regarded in that age as an effort of manly vigour and just policy. The family of Kirkpatric took for the crest of their arms, which they still wear, a hand with a bloody dagger: And chose for their motto these

CHAP. these words, *I will secure him*; the expression employed
 XIII. by their ancestor, when he executed that violent ac-
 tion.

1306.
 Third re-
 volt of
 Scotland.

THE murder of Cummin affixed the seal to the conspiracy of the Scottish nobles: They had now no resource left but to shake off the yoke of England, or to perish in the attempt: The genius of the nation roused itself from its present dejection: And Bruce, flying to different quarters, excited his partizans to arms, attacked with success the dispersed bodies of the English, got possession of many of the castles, and having made his authority be acknowledged in most parts of the kingdom, was solemnly crowned and inaugurated in the abbey of Scone by the bishop of St. Andrews, who had zealously embraced his cause. The English were again chased out of the kingdom, except such as took shelter in the strong fortresses that remained in their hands; and Edward found, that the Scots, twice conquered in his reign, and often defeated, must yet be anew subdued. Not discouraged with these unexpected difficulties, he sent Aymer de Valence with a considerable force into Scotland to check the progress of the insurgents; and that general, falling unexpectedly upon Bruce at Mathven in Perthshire, threw his army into such disorder, as ended in a total defeat ^A. Bruce fought with the most heroic courage, was thrice dismounted from his horse in the action, and as often recovered himself; but was at last obliged to yield to superior fortune, and take shelter with a few followers in the western isles. The earl of Athole, Sir Simon Frazer, and Sir Christopher Seton, who had been taken prisoners, were ordered by Edward to be executed as rebels and traitors ^B. Many other acts of rigour were exercised by him; and that prince, vowing revenge against the whole Scottish nation, whom he deemed incorrigible in their aversion to his government, assembled a great army, and was preparing to enter the frontiers, secure of success, and determined to make the defenceless Scots the victims of his severity: When he unexpectedly sickened and died near Carlisle; enjoining with his last breath his son and successor to prosecute the enterprize, and never to desist till he had finally subdued the kingdom of Scotland.

Death,
 7th July.

^A Walsing. p. 91. Heming. vol. i. p. 222, 223. Trivet, p. 344. ^B Heming. vol. i. p. 223. M. West. p. 456.

land. He expired in the sixty-ninth year of his age, and the thirty-fifth of his reign, hated by his neighbours, but extremely respected and revered by his own subjects.

CHAP. XIII.

THE enterprizes finished by this prince, and the projects which he formed and brought very near to a conclusion, were more prudent, more regularly conducted, and more advantageous to the solid interests of his kingdom than those which were undertaken in any reign either of his ancestors or his successors. He restored authority to the government, disordered by the weakness of his father; he maintained the laws against all the efforts of his turbulent barons; he fully annexed to his crown the principality of Wales; he took the wisest and most effectual measures for reducing Scotland to a like condition; and tho' the equity of this latter enterprize may reasonably be questioned, the circumstances of the two kingdoms promised such certain success, and the advantages was so visible of uniting the whole island under one head, that those who give great indulgence to reasons of state in the measures of princes, will not be apt to regard this part of his conduct with much severity. But Edward, however exceptionable his character may appear on the head of justice, is the model of a politic and warlike king: He possessed industry, penetration, courage, vigour, and enterprize: He was frugal in all expences that were not necessary; he knew how to open the public treasures on a proper occasion; he punished criminals with severity; he was gracious and affable to his servants and courtiers; and being of a majestic figure, expert at all bodily exercises, and in the main well proportioned in his limbs, notwithstanding the great length, and the smallness of his legs, he was as well qualified to captivate the populace by his exterior appearance, as to gain the approbation of men of sense by his more solid virtues.

1307.
and character of the king.

BUT the chief advantage, which the people of England reaped, and still continue to reap, from the reign of this great prince, was the correction, extension, amendment, and establishment of the laws, which Edward maintained in great vigour, and left much improved to posterity: For the work of wise legislators commonly remains; while the acquisitions of conquerors often perish with them. This merit has justly gained to Edward the appellation of the English Justinian. Not only the numerous statutes, passed in his reign, touch the chief points

Miscellaneous transactions of this reign.

CHAP. points of jurisprudence, and, according to sir Edward Coke^c, truly deserve the name of establishments, because they were more constant, standing, and durable laws than any made since; but the regular order of his administration gave an opportunity to the common law to refine itself, and brought the judges to a certainty in their determinations, and the lawyers to a precision in their pleadings. Sir Mathew Hale has remarked the sudden improvement of English law during this reign; and ventures to assert, that, till his own time, it had never received any considerable encrease^d. Edward settled the jurisdiction of the several courts; first established the office of justice of peace; abstained from the practice too common before him, of interrupting justice by mandates from the privy council^e; repressed robberies and disorders^f; encouraged trade by giving merchants an easy way of recovering their debts^g; and in short, introduced a new face of things by the vigour and wisdom of his government. As law began now to be well established, the abuse of that happiness began also to be remarked. Instead of their former associations for robbery and violence, men entered into formal combinations to support each other in law-suits; and it was found requisite to check this grievance by act of parliament^h.

THERE happened in this reign a considerable alteration, in the execution of the laws: The king abolished the office of chief justiciary, which he thought possessed too much power, and was dangerous to the crownⁱ: He completed the division of the court of exchequer into four distinct courts, which managed, each, its several branch, without

^c Institute. p. 156. ^d History of the English law, p. 158, 163.

^e Articuli super Cart. cap. 6. Edward enacted a law to this purpose; but it is very doubtful, whether he ever observed it. We are sure that scarce any of his successors did. The multitude of these letters of protection were a ground of complaint by the commons in 3. Edw. II. See Ryley, p. 525. This practice is declared illegal by the statute of Northampton passed in the second of Edward III. but still continued, like many other abuses. There are instances of it so late as the reign of queen Elizabeth.

^f Statute of Winton.

^h Statute of conspirators.

ⁱ Gilbert's Hist. of the Exchequer, p. 8.

^g Statute of Action Burnel.

^j Spelman, Gloss. in verbo *justiciarius*.

without dependence on any one magistrate; and as the lawyers invented a method, by means of their fictions, to carry business from one court to another, the several courts became rivals and checks to each other; a circumstance which tended much to improve the practice of the law in England.

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BUT tho' Edward appeared thus, thro' his whole reign, a friend to law and justice, it cannot be said, that he was an enemy to arbitrary power; and in a government more regular and legal than was that of England in his age, such practices as those which may be remarked in his administration, would have given sufficient ground of complaint, and sometimes were even in his age the object of general displeasure. The violent plunder and banishment of the Jews; the putting the whole clergy, at once, out of the protection of law; the seizing all the wool and leather of the kingdom; the heightening the impositions on the former valuable commodity; the new and illegal commission of Trailbaston; the taking all the money and plate of monasteries and churches, even before he had any quarrel with the clergy; the subjecting every man possessed of twenty pounds a year to military service, tho' not bound to it by his tenure; his visible reluctance to confirm the great charter, as if that concession had no validity from the deeds of his predecessors; the captious clause which he at last annexed to his confirmation; his procuring, after all, the pope's dispensation from the oaths which he had taken to observe that charter; and his levying of arbitrary talliages even after the statute, or rather charter, by which he had renounced that prerogative; these are so many demonstrations of his arbitrary disposition, and prove with what exception and reserve we ought to celebrate his love of justice. He took care that his subjects should do justice to one another; but he desired always to have his own hands free in all his transactions, both with them and with his neighbours.

THE chief obstruction to the execution of justice in those times was the power of the great barons; and Edward was perfectly qualified, by his character and abilities, to keep these tyrants in awe, and to restrain their illegal practices. This salutary purpose was accordingly the great object of his attention; yet he was imprudently led into a measure which tended very much to encrease, and confirm

CHAP. confirm their exorbitant authority. He passed a statute, which, by allowing them to entail their estates, made it impracticable to diminish the property of the great families, and left them all means of encrease and acquisition ^K.

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1307.

EDWARD observed a contrary policy with regard to the church: He seems to have been the first christian prince who passed a statute of mortmain; and prevented by law the clergy from making new acquisitions of lands, which by the ecclesiastical canons they were for ever prohibited to alienate. The opposition between his maxims with regard to the nobility and ecclesiastics, leads us to conjecture, that it was only by chance he passed the beneficial statute of mortmain, and that his sole object was, to maintain the number of knights fees, and to prevent the superiors from being defrauded of the profits of wardship, marriage, livery, and other emoluments arising from the feudal tenures. This is indeed the reason assigned in the statute itself, and appears to have been his real object in enacting it. The author of the annals of Waverly ascribes this act chiefly to the king's anxiety for maintaining the military force of the kingdom; but adds that he was mistaken in his purpose; for that the Amalekites were overcome more by the prayers of Moses than by the sword of the Israelites ^L.

EDWARD was very active in restraining the usurpations of the church, and except his ardour for crusades, which adhered to him during his whole life, seems, in other respects, to have been little infected with superstition, the vice chiefly of weak minds. But the passion for crusades was really in that age the passion for glory. As the pope now felt himself somewhat more restrained in his former practice of pillaging the national churches by the general impositions upon them, he permitted the generals of particular orders, who resided at Rome, to levy taxes on the several convents subjected to their jurisdiction; and Edward was obliged to enact a law against this new abuse. It was also become a practice of the court of Rome to provide successors to benefices before they became vacant: Edward found it likewise necessary to restrain by law this source of injustice and imposition.

THE

^K Brady of boroughs, p. 25. from the records.

^L P. 235. See also M. West, p. 409.

THE tribute of 1000 marks a year, to which king John, in doing homage to the pope, had subjected the kingdom, had been pretty regularly paid since his time, tho' the vassalage was constantly denied, and indeed, for fear of giving offence, had been but little insisted on. The payment was called by a new name of *census*, not by that of tribute. King Edward seems to have always paid this money with great reluctance, and he suffered the arrears, at one time, to run on for six years ^M, and at another for eleven ^N: But as princes in that age stood continually in need of the pope's good offices, for dispensations of marriages and other concessions, the court of Rome found always means, sooner or later, to catch the money. The levying of first fruits was also a new device, begun in this reign, by which his holiness thrust his fingers very frequently into the purses of the faithful; and the king seems unwarily to have given way to it.

EDWARD had by his first wife, Eleanor of Castile, four sons, but Edward his heir and successor, was the only one that survived him. She also bore him eleven daughters, most of whom died in their infancy: Joan was married first to the earl of Gloucester, and after his death, to Ralph de Monthermer: Margaret espoused John duke of Brabant: Elizabeth espoused first John earl of Holland; and afterwards the earl of Hereford: Mary was a nun at Ambresbury. He had by his second wife, Margaret of France, two sons and a daughter; Thomas created earl of Norfolk, and Marechal of England; and Edmond who was created earl of Kent by his brother when king. The princess died in her infancy.

IN the former reign the taxes had been partly scutages, partly a proportional part of the moveables, granted by parliament; In this, scutages were entirely dropt; and the assessment on moveables was the chief method of taxation. Edward in his fourth year had a fifteenth granted him; in his fifth year a twelfth; in his eleventh year a thirtieth from the laity, a twentieth from the clergy; in his eighteenth year a fifteenth; in his twenty-second year a tenth from the laity, a sixth from London and other corporate towns, half of their benefices from the clergy; in his twenty-third year an eleventh from the barons and others, a tenth from the clergy; a seventh from the burghesses;

^M Rymer, vol. ii. p. 77, 107.

^N Id. p. 862.

CHAP. gesses; in his twenty-fourth year a twelfth from the barons
 XIII. and others, an eighth from the burgessees, from the clergy
 nothing, because of the pope's inhibition; in his twenty-
 1307. fifth year an eighth from the laity, a tenth from the clergy of Canterbury, a fifth from those of York; in his twenty-ninth year a fifteenth from the laity, on account of his confirming the perambulation of the forests; the clergy granted nothing; in his thirty-third year, first a thirtieth from the barons and others, and a twentieth from the burgessees, then a fifteenth from all his subjects; in his thirty-fourth year a thirtieth from all his subjects for knighting his eldest son.

THESE taxes were moderate; but the king had also duties upon exportation and importation granted him from time to time: The heaviest was commonly upon wool. Poundage, or a shilling a pound, was not regularly granted the kings for life till the reign of Henry V.

IN 1296, the famous mercantile society, called the *Merchant Adventurers*, had its first origin: It was instituted for the improvement of the woollen manufacture, and the vending of the cloaths abroad, particularly to Antwerp^o. For the English at this time scarce thought of any more distant commerce.

THIS king granted a charter or declaration of protection and privileges to foreign merchants, and also ascertained the customs or duties which these merchants were in return to pay on merchandize imported and exported. He promised them protection; allowed them a jury on trials consisting half of natives, half of foreigners; and appointed them a justiciary in London for their protection. He imposed on them a duty of two shillings on each tun of wine imported, over and above the old duty; and forty pence on each sack of wool exported, besides half a mark, the old duty^r. But notwithstanding this seeming attention to foreign merchants, Edward did not free them from the cruel hardship, of making one answerable for the debts, and even for the crimes of another, that came from the same country^q. We read of such practices among the present barbarous nations.

IN

^o Anderson's history of commerce, vol. i. p. 137. ^r Rymer, vol. iv. p. 361. It is the charter of Edw. I. which is there confirmed by Edw. III. ^q Anderson's hist. of commerce, vol. i. p. 146.

IN the year 1303, the Exchequer was robbed, and of
 no less a sum, than 100,000 pounds, as is pretended ^{R.} CHAP.
 The abbot and monks of Westminster were indicted for XIII.
 this robbery, but acquitted. It does not appear, that the
 king ever discovered the criminals with certainty; tho' his
 indignation fell on the society of Lombard merchants,
 particularly the Frescobaldi, very opulent Florentines. 1307.

THE pope having in 1307 collected much money, the
 king enjoined the nuncio not to export it in specie but in
 bills of exchange ^{S.} A certain proof that commerce was
 ill understood.

^{R.} Rymer, vol. ii. p. 930. ^{S.} Rymer, vol. ii. p. 1092.

C H A P.

C H A P. XIV.

E D W A R D II.

*Weakness of the king—His passion for favourites—
Piers Gavaston—Discontent of the barons—Murder
of Gavaston—War with Scotland—Battle of Ban-
nockburn—Hugh le Despenser—Civil commotions—
Execution of the earl of Lancaster—Conspiracy against
the king—Insurrection—The king dethroned—
Murdered—His character—Miscellaneous trans-
actions in this reign.*

CHAP.
XIV.

1307.

Weakness
of the
king.

THE prepossessions, entertained in favour of young Edward, kept the English from being fully sensible of the extreme loss, which they had sustained by the death of the great monarch, who filled the throne; and all men hastened with alacrity to take the oath of allegiance to his son and successor. This prince was in the twenty-third year of his age, was of an agreeable figure, of a mild and gentle disposition, and having never discovered a propensity to any dangerous vice, it was natural to prognosticate tranquillity and happiness from his government. But the first act of his reign blasted all these hopes, and shewed him to be totally unqualified for that perilous situation, in which every English monarch during those ages, had, from the unstable form of the constitution, and the turbulent dispositions of the people, derived from it, the misfortune to be placed. The indefatigable Robert Bruce, tho' his army had been dissipated and he himself had been obliged to take shelter in the western isles, remained not long in tranquillity; but before the death of the late king, had sallied from his retreat, had again collected his followers, had appeared in the field, and had obtained by surprize an important advantage over Aymer de Valence, who commanded the English forces ^A. He was now become so considerable as to have afforded the king of England sufficient glory in subduing him, without incurring any danger of his seeing all those mighty preparations, made by his father, fail in the enterprize. But Edward, instead of pursuing his advantages, march but a little

^A Trivet, p. 346.

little way into Scotland; and having an utter incapacity, and equal aversion for all application or serious business, he immediately returned upon his footsteps, and dispersed his army. His grantees perceived from this conduct, that the authority of the crown, fallen into such feeble hands, was no longer to be dreaded, and that every insolence might be practised by them with impunity.

THE next measure, taken by Edward, gave them an inclination to attack those prerogatives, which no longer kept them in awe. There was one Piers Gavaston, the son of a Gascon knight of some distinction, who had honourably served the late king, and who, in reward of his merits, had obtained an establishment for his son in the family of the prince of Wales. This young man soon insinuated himself into the affections of his master, by his agreeable behaviour, and by supplying him with all those innocent, tho' frivolous amusements, which suited his capacity and his inclinations. He was endowed with the utmost elegance of shape and person, was noted for a fine mien and easy carriage, distinguished himself in all warlike and genteel exercises, and was celebrated for those quick sallies of wit, in which his countrymen usually excel. By all these accomplishments he gained so entire an ascendant over young Edward, whose heart was strongly disposed to friendship and confidence, that the late king, apprehensive of the consequences, had banished him the kingdom, and had, before he died, made his son promise never to recall him^B. But he no sooner found himself master, as he vainly imagined, than he sent for Gavaston; and even before his arrival at court, endowed him with the whole earldom of Cornwall, which had escheated to the crown, by the death of Edmond, son of Richard king of the Romans^C. Not content with conferring on him those possessions, which had sufficed as an appanage for a prince of the blood, he daily loaded him with new honours and riches; married him to his own niece, sister of the earl of Gloucester^D; and seemed to enjoy

^B Walsing. p. 95. Ypod. Neust. p. 499. Trivet, cont. p. 2. ^C Rymer, vol. iii. p. 1. Heming. vol. i. p. 243. Walsing. p. 96. Ypod. Neust. p. 499. Trivet, cont. p. 2. ^D Heming. vol. i. p. 245. Ypod. Neust. p. 500. T. de la More, p. 593.

CHAP. XIV. enjoy no pleasure in his royal dignity, but as it enabled him to exalt to the highest splendour this object of his fond affections.

1307.
Discontent of the barons.

THE haughty barons, offended at the superiority of a minion, whose birth, tho' reputable, they despised, as much inferior to their own, concealed not their discontent; and soon found reasons to justify their animosity in the character and conduct of the man they hated. Instead of disarming envy by the moderation and modesty of his behaviour, Gavaston displayed his power and influence with the utmost ostentation; and deemed no circumstance of his good fortune so agreeable as its enabling him to eclipse and mortify all his rivals. He was vain-glorious, profuse, rapacious; fond of exterior pomp and appearance, giddy with prosperity; and as he imagined, that his fortune was now as strongly rooted in the kingdom as his ascendant was uncontrollable over the weak monarch, he took no farther care of engaging partizans, who might support his sudden and ill established grandeur. At all tournaments, he took delight in foiling the English nobility by his superior address: In each conversation, he made them the object of his wit and raillery: Every day his enemies multiplied upon him; and nought was wanting but a little time to cement their union, and render it fatal, both to him and his master^E.

It behoved the king to take a journey to France, both in order to do homage for the dutchy of Guienne, and to espouse the princess Isabella, to whom he had long been contracted, tho' unexpected accidents had hitherto retarded the completion of the marriage^F. Edward left Gavaston guardian of the realm^G, with more ample powers, than had usually been conferred^H; and on his return with his young queen, renewed all the proofs of that fond attachment to his favourite, of which every one so loudly complained. This princess was of an imperious and intriguing spirit; and finding, that her husband's capacity required, as his temper inclined, him to be governed, she thought herself best intitled, on every account, to perform the office, and she contracted a mortal hatred against the person, who had disappointed her in these expectations. She

^E T. de la More, p. 593. Walsing. p. 97. ^F T. de la More, p. 593. Trivet, cont. p. 3. ^G Rymer, vol. iii. p. 47. Ypod. Neuft. p. 499. ^H Brady's App. No. 49.

She was well pleased, therefore, to see a combination of the nobility forming against Gavaston, who, sensible of her hatred, had wantonly provoked her by new insults and injuries.

C H A P.
XIV.
1307.

THOMAS, earl of Lancaster, cousin-german to the king, and first prince of the blood, was far the most opulent and powerful subject in England, and possessed in his own right, and soon as after in that of his wife, heiress of the family of Lincoln, no less than six earldoms, with a proportional estate in land, attended with all the jurisdictions and power, which commonly in that age were annexed to landed property. He was turbulent and factious in his disposition; mortally hated the favourite, whose influence with the king exceeded his own; and he soon became the head of that party among the barons, who desired the depression of this insolent stranger. The confederated nobles bound themselves by oath, to expel Gavaston: Both sides began already to put themselves in a warlike posture: The licentiousness of the age broke out into robberies and other disorders, the usual preludes of civil war: And the royal authority, despised in the king's own hands, and hated in those of Gavaston, became insufficient for the execution of the laws, and the maintenance of peace in the kingdom. A parliament being summoned at Westminster, Lancaster and his party came thither with an armed retinue; and were there enabled to impose their own terms on the sovereign. They required the banishment of Gavaston, imposed an oath on him never to return, and engaged the bishops, who never failed to interpose in all civil concerns, to pronounce him excommunicated, if he remained any longer in the kingdom^H. Edward was obliged to submit^I; but even in his compliance, gave proofs of his fond attachment to his favourite. Instead of removing all umbrage, by sending him to his own country, as was expected, he appointed him lord lieutenant of Ireland^K, attended him to Bristol on his journey thither, and before his departure conferred on him new lands and riches both in Gascony and England^L. Gavaston, who did not want bravery, and pos-

VOL. II.

T

telled

^H Trivet, cont. p. 5. ^I Rymer, vol. iii. p. 80. ^K Rymer, vol. iii. p. 92. Murimuth, p. 39. ^L Rymer, vol. iii. p. 87.

CHAP. fessed talents for war^M, acted, during his government, with vigour against some Irish rebels, whom he subdued.

XIV.
1308.

MEANWHILE, the king, less shocked with the illegal violence which had been imposed upon him, than unhappy in the absence of his minion, employed every expedient to soften the opposition of the barons to his return; as if success in that point were the chief object of his government. The high office of hereditary steward was conferred on Lancaster: His father-in-law, the earl of Lincoln, was bought off by other concessions: Earl Warrenne was also mollified by civilities, grants or promises: The insolence of Gavaston, being no longer before men's eyes, was less the object of general indignation: And Edward, deeming matters sufficiently prepared for his purpose, applied to the court of Rome, and obtained a dispensation from that oath, which the barons had compelled Gavaston to take, that he would abjure for ever the realm^N. He went down to Chester, to receive him on his first landing from Ireland; flew into his arms with transports of joy; and having obtained the formal consent of the barons in parliament to his re-establishment, set no longer any bounds to his extravagant fondness and affection. Gavaston himself, forgetting his past misfortunes, and blind to their causes, resumed the same ostentation and insolence; and became more than ever the object of general detestation among the nobility.

THE barons first discovered their animosity by absenting themselves from parliament; and finding, that this expedient had not been successful, they began to think of employing sharper and more effectual remedies. Tho' there had scarce been any national ground of complaint, except some dissipation of the public treasure: Tho' all the acts of mal-administration, objected to the king, and his favourite, seemed of a nature more proper to excite heart-burnings in a hall or assembly, than commotions in a great kingdom: Yet such was the situation of the times, that the barons were determined, and were able, to make them the reasons of a total alteration in the constitution and civil government. Having come to parliament, in defiance of the laws and the king's prohibition, with a
numerous

7th Feb.

^M Heming. vol. i. p. 248. T. de la More, p. 593.

^N Rymer, vol. iii. p. 167.

numerous retinue of armed followers, they found themselves entirely masters; and presented a petition, which was equivalent to a command, requiring Edward to devolve on a chosen junto the whole authority both of the crown and of the parliament. The king was obliged to sign a commission, empowering the prelates and barons to elect twelve persons, who should, till the term of Michaelmas in the year following, have authority to enact ordinances for the government of the kingdom, and the regulation of the king's household; consenting that these ordinances should thenceforth and for ever have the force of laws and statutes; allowing the ordainers to form associations among themselves and their friends, for their strict and regular observance; and all this for the greater glory of God, the security of the church, and the honour and advantage of the king and kingdom^o. The barons in return signed a declaration, in which they acknowledged, that they owed these concessions merely to the king's free bounty; promised that this should never be drawn into precedent; and engaged, that the power of the ordainers should expire at the term appointed^r.

1308.
16th
March.

1311

THE chosen junto of twelve accordingly framed their ordinances, and presented them to the king and parliament, for their confirmation in the ensuing year. Some of these ordinances were laudable, and tended to the regular execution of justice: Such as those, requiring sheriffs to be men of property, abolishing the practice of issuing privy seals for the suspension of justice, restraining the practice of purveyance, prohibiting the adulteration and alteration of the coin, excluding foreigners from the farms of the revenue, ordering all payments to be regularly made into the exchequer, revoking all grants of the crown, and giving the parties damages in the case of vexatious prosecutions. But what chiefly grieved the king was the ordinance for the removal of evil counsellors, by which a great number of persons were by name excluded from every office of power and profit; and Piers Gavaston himself was for ever banished the king's dominions, under the penalty, in case of disobedience, of being declared a public enemy. Other persons, more agreeable to the barons, were substituted in all the offices. And it was

T 2

ordained,

^o Brady's App. No. 50. Heming. vol. i. p. 247. Walsing. p. 97. Ryley, p. 526. ^r Brady's App. No. 51.

CHAP. ordained, that, for the future, all the considerable dignities in the household, as well as in the law, revenue, and military governments, should be appointed by the
 XIV. *baronage* in parliament; and the power of making war, or assembling his military tenants, should no longer be solely vested in the king, nor be exercised without the consent of the nobility.

1311.

EDWARD, from the same weakness both of his temper and situation, which had engaged him to grant this unlimited commission to the barons, was led to give a parliamentary sanction to their ordinances: But as a consequence of the same character, he *secretly* made a protest against them, and declared, that, since the commission was granted only for the making of ordinances to the advantage of king and kingdom, such articles as should be found prejudicial to both, were to be held as not ratified and confirmed. It is no wonder, indeed, that he retained a firm purpose to revoke ordinances, which had been imposed on him by violence, which entirely annihilated the royal authority, and above all, which deprived him of the company and society of a person, whom, by an unusual infatuation, he valued above all the world, and above every other consideration of interest or tranquillity.

So soon, therefore, as Edward, removing to York, had freed himself from the immediate terror of the barons power, he invited back Gavaston from Flanders, which that favourite had made the place of his retreat; and declaring his banishment to be illegal, and contrary to the laws and customs of the kingdom^R, openly re-instated him in his former credit and authority. The barons, highly provoked at this disappointment, and apprehensive of danger to themselves from the declared animosity of so powerful a minion, saw, that either his or their ruin was now inevitable; and they renewed with redoubled zeal their former confederacies against him. The earl of Lancaster was a dangerous head of this alliance: Guy, earl of Warwic, entered into it with a furious and precipitate passion: Humphrey Bohun, earl of Hereford, the constable, and Aymer de Valence, earl of Pembroke, brought to it a great accession of power and interest: Even earl Warenne

^R Ryley's Placit. Parl. p. 530, 541.
 No. 53. Walsing. p. 98.

^R Brady's App.

Warrenne deserted the royal cause, which he had hitherto supported, and was induced to embrace the side of the confederates^s: And as Robert de Winchelsey, archbishop of Canterbury, professed himself of the same party, he determined the body of the clergy, and consequently the people, to declare against the king and his minion. So predominant, at that time, was the power of the great nobility, that the combination of a few of them was always able to shake the throne; and such an universal concurrence became irresistible. The earl of Lancaster suddenly raised an army, and marched to York, where he found the king already removed to Newcastle^t: He flew thither in pursuit of him; and Edward had just time to escape to Tinnmouth, where he embarked, and sailed with Gavaston to Scarborough. He left his favourite in that fortress, which, had it been properly supplied with provisions, was deemed impregnable; and he marched forward to York, in hopes of raising an army, which might be able to support him against his enemies. Pembroke was sent by the confederates to besiege the castle of Scarborough; and Gavaston, sensible of the bad condition of his garrison, was obliged to capitulate, and to surrender himself prisoner^u. He stipulated, that he should remain in Pembroke's hands for two months; that endeavours should, during that time, be mutually used for a general accommodation; that if the terms proposed by the barons were not accepted, the castle should be restored to him in the same condition as when he surrendered it; and that the earl of Pembroke, and Henry Piercy should, by contract, pledge all their lands for the fulfilling of these conditions^w. Pembroke, now master of the person of this public enemy, conducted him to the castle of Dedington, near Banbury; where, on pretence of other business, he left him, protected by a feeble guard^x. Warwic, probably in concert with Pembroke, attacked the castle: The guards refused to make any resistance: Gavaston was yielded up to him, and conducted to Warwic castle: The earls of Lancaster, Hereford, and Arundel, immediately repaired thither^y: And without any regard, either of Gavaston to the laws or the military capitulation, they ordered the ton-

19th May.

head 1st July.

^s Trivet, cont. p. 4.^t Walsing. p. 101.^u Ibid.^w Rymer, vol. ii. p. 324.^x T. de la More, p. 593.^y Dugd. Baron, vol. ii. p. 44.

CHAP. head of this obnoxious favourite to be struck off, by the hands of the executioner ².

1312.

THE king had retired northward to Berwic, when he heard of Gavaston's murder; and his resentment was proportioned to the affection which he had ever borne him, while living. He threatened vengeance on all the nobility, who had been active in that bloody scene, and he made preparations for war in all parts of England. But being less constant in his enmities than in his friendships, he soon after hearkened to terms of accommodation; granted the barons a pardon for all offences; and as they stipulated to ask him publicly pardon on their knees ^A, he was so pleased with these vain appearances of exterior submission, that he seemed to have sincerely forgiven them all past injuries. But as they still pretended, notwithstanding their lawless conduct, a great anxiety for the maintenance of law, and required the establishment of their former ordinances as a necessary security for that purpose; Edward told them, that he was willing to grant them a free and legal confirmation of such of these ordinances as were not entirely derogatory to the prerogative of the crown. This answer was received for the present as satisfactory. The king's person, after the death of Gavaston, was now become less obnoxious to the public; and as the ordinances, insisted on, appeared to be nearly the same with those, which had been formerly extorted from Henry III. by Mountfort, and which had been attended with so many fatal consequences, they were, on that account, demanded with less vehemence by the nobility and people. The minds of all men seemed to be much appeased towards each other: The animosities of faction no longer prevailed: And England, now united under its head, would henceforth be able, it was hoped, to take vengeance on all its enemies; particularly on the Scots, whose progress was the object of general resentment and indignation.

War with Scotland.

IMMEDIATELY after Edward's retreat from Scotland, Robert Bruce left his fastnesses, in which he intended to have sheltered his feeble force; and supplying his defect of power by superior vigour and abilities, he made deep impressions on all his enemies, foreign and domestic. He chased

² Walsing. p. 101. T. de la More, p. 593. Trivet, cont. p. 9. ^A Ryley, p. 538. Rymer, vol. iii. p. 366.

chased the lord Argyle and the chieftains of the Macdowals from their hills, and made himself entirely master of the high country: He thence invaded with success the Cummins in the low countries of the north: He took the castles of Inverness, Forfar, and Brechin: He gained daily some new accession of territory; and what was a more important acquisition, he daily reconciled the minds of the nobility to his dominion, and enlisted under his standard every bold leader, whom he enriched by the spoils of his enemies. Sir James Douglas, in whom commenced the greatness and renown of that warlike family, seconded him in all his enterprizes: Edward Bruce, Robert's own brother, distinguished himself by actions of valour: And the terror of the English power being now abated by the feeble conduct of the king, even the least sanguine of the Scots began to entertain hopes of recovering their independency; and the whole kingdom, except a few strong fortresses, which he had not the means to attack, had acknowledged the authority of Robert.

IN this situation, Edward had found it necessary to grant a truce to Scotland; and Robert successfully employed this interval in consolidating his power, and introducing order into the civil government, disjointed by such a long continuance of wars and factions. The interval was very short: The truce, ill observed on both sides, was at last openly violated; and war recommenced with greater fury than ever. Robert, not contented with defending himself, had made successful inroads into England, subsisted his needy followers by the plunder of that country, and taught them to despise the military genius of a people who had long been the object of their terror. Edward at last, roused from his lethargy, had conducted an army into Scotland; and Robert, determined not to risque too much against an enemy so much superior, retired again into his mountains. The king advanced beyond Edinburgh; but being destitute of provisions, and being ill supported by the English nobility, who were then employed in framing their ordinances, he was soon obliged to retreat without gaining any advantage over the enemy. But the appearing union of all the parties in England, after the death of Gavaston, seemed to restore that kingdom to its native force, opened again the prospect of reducing Scotland, and promised a happy conclusion to
a war,

CHAP. a war, in which both the interests and passions of the nation were so deeply engaged.

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1314

EDWARD assembled forces from all quarters, with a view of finishing at one blow this important enterprize. He summoned the most warlike of his vassals from Gascony: He enlisted troops from Flanders and other foreign countries: He invited over great numbers of the disorderly Irish as to a certain prey: He joined to them a body of the Welsh, who were actuated by like motives; And assembling the whole military force of England, he marched to the frontiers with an army, which, according to the Scots writers, amounted to an hundred thousand men, but which was probably much inferior to that number^B.

THE army collected by Robert, exceeded not thirty thousand combatants; but being composed of men, who had distinguished themselves by many acts of valour, who were rendered desperate by their situation, and who were enured to all the varieties of fortune, they might justly, under such a leader, be deemed formidable to the most numerous and best appointed armies. The castle of Stirling, which, with Berwic, was the only fortress of Scotland, that remained in the hands of the English, had been long besieged by Edward Bruce; and Philip de Mowbray, the governor, after an obstinate defence, was at last obliged to capitulate, and to promise that if, before a certain day, which was now approaching, he was not relieved, he should open his gates to the enemy^C. Robert therefore, sensible that here was the ground on which he must expect the English, chose the field of battle with all the skill and prudence imaginable, and made the necessary preparations for their reception. He posted himself at Bannockburn, about two miles from Stirling; where he had a hill on his right flank, and a morass on his left: And not content with having with taken these precautions to prevent his being surrounded by the more numerous army of the English; he foresaw the superior strength of the enemy in cavalry, and made provision against it. Having a rivulet in front, he commanded deep

^B We find in Rymer, vol. iii. p. 481, a list of all the infantry assembled from all parts of England and Wales; and they are only 21,540: It is not likely therefore that the whole army could be near so numerous as is reported. ^C Rymer, vol. iii. p. 481.

deep pits to be dug along its banks, and sharp stakes to be planted in them, and he ordered the whole to be carefully covered over with turf^D. The English arrived in sight on the evening, and a bloody conflict immediately ensued between two bodies of cavalry; where Robert, who was at the head of the Scots, engaged in single combat with Henry de Bohun, a gentleman of the family of Hereford; and at one stroke cleft his adversary to the chin with a battle-ax, in sight of the two armies. The English horse fled with precipitation to their main body.

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1314

THE Scots, encouraged by this favourable event, and glorying in the valour of their prince, prognosticated a happy issue to the combat on the ensuing day: The English, confident in their numbers, and elated with past successes, longed for an opportunity of revenge: And the night, tho' extremely short in that season and in that climate, appeared tedious to the impatience of the several combatants. Early in the morning, Edward drew out his army, and advanced towards the Scots. The earl of Gloucester, his nephew, who commanded the left wing of the cavalry, impelled by the ardour of youth, rushed on to the attack without precaution, and fell among the covered pits, which had been prepared by Bruce for the reception of the enemy^E. This body of horse was disordered: Gloucester himself was overthrown and slain: Sir James Douglas, who commanded the Scottish cavalry, gave the enemy no leisure to rally, but pushed them off the field with considerable loss, and pursued them in sight of their whole line of infantry. While the English army were alarmed with this unfortunate beginning of the action, which commonly proves decisive, they observed an army on the heights towards the left, which seemed to be marching leisurely in order to surround them; and they were distracted by their multiplied fears. This was a number of waggoners and sumpter boys, whom Robert had collected together; and having supplied them with military standards, gave them the appearance at a distance of a formidable body. The stratagem took effect: A panic seized the English; They threw down their arms and fled: They were pursued with great slaughter, for the space of eighty

Battle of
Bannock-
burn.

25th June.

^D T. de la More, p. 594.^E Ibid.

CHAP. eighty miles, till they reached Berwic: And the Scots,
 XIV. besides an inestimable booty, took many persons of quality prisoners, and above 400 gentlemen, whom Robert
 1314- treated with great humanity^F, and whose ransom was a new accession of wealth to the victorious army. The king himself very narrowly escaped by taking shelter in Dunbar, whose gates were opened to him by the earl of March; and he thence passed by sea to Berwic.

SUCH was the great and decisive battle of Bannockburn, which secured the independency of Scotland, fixed Bruce on the throne of that kingdom, and may be deemed the greatest overthrow, which the English monarchy, since the conquest, has ever received. The numbers of slain on these occasions are always uncertain, and are commonly much magnified by the victors: But this defeat made a deep impression on the minds of the English; and it was remarked, that for some years, no superiority of numbers could encourage them to keep the field against the Scots^G. Robert, to make advantage of his present success, broke into England, and ravaged all the northern counties without opposition: He besieged Carlisle, tho' that place was saved by the valour of Sir Andrew Harcla, the governor: He was more successful against Berwic, which he took by assault^H: And this prince, elated by his continued prosperity, entertained hopes of making the most important conquests on the English. He sent over his brother Edward, with an army of 6000 men, into Ireland; and that nobleman assumed the title of king of Ireland^I: He followed soon after himself with more numerous forces: The horrible and absurd oppressions, which the Irish suffered under the English government, made them, at first, fly to the standard of the Scots, whom they regarded as their deliverers: But a grievous famine, which at that time laid desolate both Ireland and Britain, reduced the Scottish army to the greatest extremities; and Robert was obliged to return, with his forces much diminished, into his own country. His brother, after having experienced a variety of fortune, was defeated and slain near Dundalk by

^F Ypod. Neust. p. 501. ^G Walsing. p. 106. ^H T. de la More, p. 594. Murimuth, p. 53. ^I Trivet, cont. p. 28.

by the English, commanded by lord Bermingham^K: And these projects, too extensive for the force of the Scottish nation, thus vanished into smoke.

CHAP.
XIV.

1315.

THE king, besides suffering those disasters from the invasion of the Scots and the insurrection of the Irish, was also infected with a rebellion in Wales^L; and above all, by the factions of his own nobility, who took advantage of the public calamities, insulted his fallen fortunes, and endeavoured to establish their own independence on the ruins of the throne. Lancaster and the barons of his party, who had declined attending Edward on his Scottish expedition, no sooner saw him return with disgrace, than they insisted on the renewal of their ordinances, which they still pretended to have validity; and the king's unhappy condition obliged him to submit to their demands. The ministry was new modelled by the direction of Lancaster^M: That prince was placed at the head of the council: It was declared, that all the offices should be filled, from time to time, by the votes of parliament, or rather, by the will of the great barons^N: And the nation, under this new model of government, endeavoured to put itself in a better posture of defence against the Scots. But the factious nobles were far from being terrified with the progress of these public enemies: On the contrary, they founded the hopes of their own future grandeur on the weakness and distresses of the crown: Lancaster himself was suspected, with great appearance of reason, of holding a secret correspondence with the king of Scots: And tho' he was himself entrusted with the command of the English armies, he took care that every enterprize should be disappointed, and every plan of operations prove unsuccessful.

ALL the European kingdoms, especially that of England, were at this time unacquainted with the office of a prime minister, so well understood at present in all regular monarchies; and the people could form no conception of a man, who, tho' still in the rank of a subject, possessed all the power of a sovereign, eased the prince of the burthen

^K Rymer, vol. iii. p. 767, 777. Walsing. p. 3. Ypod. Neust. p. 503. T. de la More, p. 594. Trivet, cont. p. 29.

^L Rymer, vol. iii. p. 553. ^M Ryley, p. 560. Rymer, vol. iii. p. 722. ^N Brady, vol. ii. p. 122. from the records, app. No. 61. Ryley, p. 560.

CHAP. burthen of affairs, supplied his want of experience or
 XIV. capacity, and maintained all the rights of the crown,
 without degrading the greatest nobles by their sub-
 1315. mission to his temporary authority. Edward was plainly
 by nature unfit to hold himself the reins of government :
 He had no vices ; but was unhappy in a total incapacity
 for serious business : He was sensible of his own defects,
 and necessarily sought to be governed : Yet every fa-
 vourite, whom he successively chose, was regarded as a
 fellow-subject, exalted above his rank and station : He
 was the object of envy to the great nobility : His cha-
 racter and conduct were decry'd with the people : His
 authority over the king and kingdom was considered as
 an usurpation : And unless the prince had embraced
 the dangerous expedient, of devolving his power on the
 earl of Lancaster or some mighty baron, whose family in-
 terest was so extensive as to be able alone to maintain his
 influence, he could expect no peace nor tranquillity upon
 the throne.

Hugh le
 Despenfer.

THE king's chief favourite, after the death of Ga-
 vaston, was Hugh le Despenfer of Spenser, a young man
 of English birth, of high rank, and of a noble family^o.
 He possessed all the exterior accomplishments of person
 and address, which were fitted to engage the weak mind
 of Edward ; but was devoid of that moderation and pru-
 dence, which might have qualified him to mitigate the
 envy of the great, and conduct him thro' all the perils
 of that dangerous station, to which he was advanced.
 His father, who was of the same name, and who, by
 means of his son, had also attained great influence over
 the king, was a nobleman venerable from his years, re-
 spected through all his past life for wisdom, valour and
 integrity, and well fitted by his talents and experience,
 could affairs have admitted of any temperament, to have
 supplied the defects both of the king and of his minion^p.
 But no sooner was Edward's attachment declared for
 young Spenser, than the turbulent Lancaster, and most
 of the great barons, regarded him as their rival, made
 him the object of their animosity, and formed violent
 plans for his ruin^q. They first declared their discontent
 by withdrawing from parliament ; and it was not long ere
 they

^o Dugd. Baron. vol. i. p. 389.

594. ^q Walsing. p. 113.

^p T. de la More, p. 595. ^r Mur-
 muth, p. 55.

they found a pretence for proceeding to greater extremities against him.

CHAP.
XIV.

THE king, who set no limits to his bounty towards his minions, had married the younger Spenser to his niece, one of the co-heirs of the earl of Gloucester, slain at Bannockburn; and the favourite, by his succession to that opulent family, had inherited great possessions in the marches of Wales^R, and being desirous of extending still farther his influence in those quarters, he is accused of having committed injustice towards the barons of Audley and Ammori, who had also married two sisters of the same family. There was likewise a baron in that neighbourhood, called William de Braouse, lord of Gower, who had made a settlement of his estate on John de Mowbray, his son-in-law; and in case of failure of that nobleman and his issue, had substituted the earl of Hereford, in the succession to the barony of Gower. Mowbray, on the decease of his father-in-law, entered immediately in possession of the estate, without the formality of taking livery and seisin from the crown; and Spenser, who coveted that barony, persuaded the king to put in execution the rigour of the feudal law, to seize Gower as escheated to the crown, and to confer it upon him^S. This transaction, which was the proper subject of a law-suit, immediately excited a civil war in the kingdom. The earls of Lancaster and Hereford flew to arms: Audley and Ammori joined them with all their forces: The two Rogers de Mortimer and Roger de Clifford, with many others, disgusted for private reasons with the Spensers, brought a considerable accession to the party: And their army being now formidable, they sent a message to the king, requiring him immediately to dismiss or confine the younger Spenser; and menacing him, in case of refusal, with renouncing their homage and allegiance to him, and taking revenge on that minister by their own authority. They scarce waited for an answer; but immediately fell upon the lands of young Spenser, which they pillaged and destroyed; murdered his servants, drove off his cattle, and burned his houses^T. They proceeded thence to commit like devastations on the estates of Spenser, the father, whose character hitherto

1321.
Civil commo-
tions.

^R Trivet, cont. p. 25.
^{rimuth}, p. 55.

^S Monach. Malmes.

^T Mu-

CHAP. therto they had seemed to respect. And having drawn
 XIV. and signed a formal association among themselves^u, they
 1321. marched to London with all their forces, stationed them-
 selves in the neighbourhood of that city, and demanded
 of the king the banishment of both the Spensers. These
 noblemen were then absent; the father abroad, the son
 at sea; and both of them employed in different com-
 missions: The king therefore replied, that his coronation
 oath, by which he was bound to observe the laws, re-
 strained him from giving his assent to so illegal a demand,
 or condemning noblemen who were accused of no crime,
 nor had any opportunity afforded them of making an an-
 swer^w. Equity and reason were but a feeble opposition
 to men, who had arms in their hands, and who, being
 already involved in guilt, saw no safety but in success
 and victory. They entered London with their troops;
 and giving in to the parliament, which was then sitting,
 a charge against the Spensers, of which they attempted
 not to prove one article, they procured, by menaces and
 violence, a sentence of perpetual exile and forfeiture
 against these ministers^x. This sentence was voted by
 the lay barons alone: For the commons, tho' now an
 estate in parliament, were yet of so little consideration,
 that their assent was not demanded; and even the voice
 of the prelates was neglected amidst the present disorders.
 The only symptom, which these turbulent barons gave of
 their regard to law, was their requiring from the king an
 indemnity for their illegal proceedings^y; after which they
 disbanded their army, and separated, in security, as they
 imagined, to their several castles.

THIS act of violence, in which the king was obliged
 to acquiesce, rendered his person and his authority so con-
 temptible, that every one thought himself entitled to
 treat him with neglect. The queen, having occasion
 soon after to pass by the castle of Leeds in Kent, which
 belonged to the lord Badlesmere, desired a night's lodging;
 but was refused admittance, and some of her atten-
 dants, who presented themselves at the gate, were killed^z.

The

^u Tytel, vol. ii. p. 280, from the register of C. C. Can-
 terbury. ^w Walsing. p. 114. ^x Tottle's collect. part.
 2. p. 50. Walsing. p. 114. ^y Tottle's collect. part. 2.
 p. 54. Rymer, vol. iii. p. 891. ^z Rymer, vol. iii. p. 89.
 Walsing. p. 114, 115. T. de la More, p. 595. Murimuth,
 p. 56.

The insult upon this prince, who had always endeavoured to live on good terms with the barons, and who joined them heartily in their hatred of the younger Spenser, was an action which no body pretended to justify; and the king thought, that he might, without giving general umbrage, assemble an army, and take vengeance on the offender. No one came to the assistance of Badlesmere; and Edward prevailed^A: But having now some forces on foot, and having concerted measures with his friends throughout England, he ventured to take off the mask, to attack all his enemies, and to recall the two Spensers, whose sentence he declared illegal, unjust, contrary to the tenor of the great charter, passed without the assent of the prelates, and extorted by violence from him and the estate of barons^B. Still the commons were not mentioned by either party.

THE king had now got the start of his adversaries; an advantage, which, in those times, was commonly decisive: And he hastened with his army to the marches of Wales, the chief seat of the enemies power, whom he found totally unprepared for resistance. Many of the barons in those parts endeavoured to appease him by submission^C: Their castles were seized, and their persons committed to custody. But Lancaster, in order to prevent the total ruin of his party, summoned together his vassals and retainers; declared his alliance with Scotland, which had long been suspected; received the promise of a reinforcement from that country under the command of Randolf earl of Murray, and Sir James Douglas^D; and being joined by the earl of Hereford, advanced with all his forces against the king, who had collected an army of 30,000 men, and was superior to his enemies. Lancaster posted himself at Burton upon Trent, and endeavoured to defend the passages of the river^E: But being disappointed in that plan of operations; this prince, who had no military genius, and whose personal courage was even suspected, fled with his army to the north, in expectation of being there joined by his Scottish allies^F. He was pursued by the king; and his army diminished daily; till he came to Boroughbridge, where he found
Sir

^A Walsing. p. 115.^B Rymer, vol. iii. p. 907. T. de la

More, p. 595.

^C Walsing. p. 115. Murimuth, p. 57.^D Rymer, vol. iii. p. 958.^E Walsing. p. 115.^F Ypod.

Neust. p. 504.

CHAP. Sir Andrew Harcla posted with some forces on the opposite side of the river, and ready to dispute the passage with him. He was repulsed in an attempt which he made with him. He was repulsed in an attempt which he made to force his way; the earl of Hereford was killed; the whole army of the rebels was disconcerted; Lancaster himself was become incapable of taking any measures either for flight or defence; and he was seized without resistance by Harcla, and conducted to the king^G. In those violent times, the laws were so much neglected on both sides, that, even where they might, without any sensible inconvenience, have been observed, the conquerors deemed it unnecessary to pay any regard to them. Lancaster, who was guilty of open rebellion, and was taken in arms against his sovereign, instead of being tried by the laws of his country, which pronounced the sentence of death against him, was condemned by a court-martial^H, and led to execution. Edward, however little vindictive in his natural temper, here indulged his revenge, and practised against the prisoner the same indignities, which had been exercised by his orders against Gavaston. He was clothed in a mean attire, placed on a lean jade without a bridle, a hood was put on his head, and in this posture, attended by the acclamations of the people, this prince was conducted to an eminence near Pomfret, one of his own castles, and there beheaded^I.

1322.
16th
March.

Thus perished Thomas earl of Lancaster, the first prince of the blood, and one of the most potent barons who had ever been in England. His public conduct sufficiently discovers the violence and turbulency of his character: His private deportment appears not to have been more innocent^K: And his hypocritical devotion, by which he gained the favour of the monks and populace, will rather be regarded as an aggravation than an alleviation of his guilt^L. Badlesmere, Giffard, Barret, Cheyney, Fleming, and about eighteen of the most notorious offenders, were afterwards condemned by a legal trial and were executed^M. Many were thrown into prison: Others made their escape beyond sea: Some of the

^G T. de la More, p. 596. Walsing. p. 116. ^H Tyrrel, vol. ii. p. 291. from the records. ^I Leland's Coll. vol. i. p. 668. ^K Knyghton, p. 2540. ^L Higden, lib. 7. cap. 42. ^M T. de la More, p. 596.

the king's servants were rewarded from the forfeitures; Harcla received for his services the earldom of Carlisle^N, and a large estate, which he soon after forfeited with his life, for a treasonable correspondence with the king of Scotland^O. But the greatest part of all those vast escheats was seized by young Spenser, whose rapacity was insatiable^P. Many of the barons of the king's party were disgusted with this partial division of the spoils: The envy against Spenser rose higher than ever: The usual insolence of his temper, raised by success, impelled him to commit many acts of violence^Q. The people, who always hated him, made him still more the object of aversion: All the relations of the attainted barons and gentlemen secretly vowed revenge: And tho' tranquillity was in appearance restored to the kingdom, the general contempt of the king and odium against Spenser, bred dangerous humours, the source of future revolutions and convulsions.

IN this situation no success could be expected from foreign wars; and Edward, after making one more fruitless attempt against Scotland, whence he retreated with dishonour, found it necessary to terminate hostilities with that kingdom, by a truce of thirteen years^R: Robert, tho' his title to the crown was not acknowledged in the treaty, was satisfied with ensuring his possession of it during so long a time. He had repelled with gallantry all the attacks of England: He had carried war both into that kingdom and into Ireland: He had rejected with disdain the pope's authority, who pretended to impose his commands upon him, and oblige him to make peace with his enemies: His throne was firmly established, as well in the affections of his subjects, as by force of arms: Yet there naturally remained some inquietude in his mind, while at war with a state, which, however at present disordered by faction, was of itself so much an overmatch for him both in riches and in numbers of people. And this truce was, at the same time, the more seasonable for England; because the nation was in that juncture threatened with hostilities from France.

VOL. II.

U

PHILIP

^N Rymer, vol. iii. p. 943. Walsing. p. 118. ^O Rymer, vol. iii. p. 988, 994, 999. vol. iv. p. 4. Walsing. p. 118. Ypod. Neust. p. 505. ^P Dugd. vol. i. p. 393. ^Q Dugd. vol. i. p. 393. T. de la More, p. 597. ^R Rymer, vol. iii. p. 1022. Murimuth, p. 60.

CHAP.

XIV.

1344

1325.

PHILIP the Fair, king of France, who died in 1315, had left the crown to his son Lewis Hutin, who, after a short reign, dying without male issue, was succeeded by Philip the Long, his brother, whose death soon after made way for Charles the Fair, the youngest brother of that family. This monarch had some reasons of complaint against the king's ministers in Guienne; and as there was no common nor equitable judge in that strange species of sovereignty, established by the feudal law, he seemed desirous to take advantage of Edward's weakness, and under that pretence, to confiscate all his foreign dominions^s. After an embassy by the earl of Kent, the king's brother, had been tried in vain, queen Isabella obtained permission to go over to Paris, and endeavour to adjust, in an amicable manner, the difference with her brother^T: But while she was making some progress in this negotiation, Charles started a new pretension, the justice of which could not be disputed, that Edward himself should appear in his court, and do homage for the fees which he held in France^U. But there occurred many difficulties in complying with this demand. Young Spenser, by whom the king was implicitly governed, had unavoidably been engaged in many quarrels with the queen, who aspired to the same authority; and tho' that artful princess, on her leaving England, had dissembled her animosity^W, Spenser, well acquainted with her secret sentiments, was unwilling to attend his master to Paris, and appear in a court where her credit might expose him to insults, if not to danger. He hesitated no less on allowing the king to make the journey alone; both fearing, lest that easy prince should in his absence fall under some other influence, and foreseeing the perils, to which he himself should be exposed, if, without the protection of royal authority, he remained in England, where he was so generally hated. While these doubts bred delays and difficulties, Isabella proposed, that Edward should resign the dominion of Guienne, to his son, now thirteen years of age; and that the prince should come to Paris, and do the homage which every vassal owed

^s Rymer, vol. iv. p. 74, 98. ^T Rymer, vol. iv. p. 140.
^U T. de la More, p. 596. Walsing. p. 417. Ypod. Neust. p. 505. Murimuth, p. 60. ^W Rymer, vol. ix. p. 194.

owed to his superior lord^x. This expedient, which CHAP. XIV.
seemed so happily to remove all difficulties, was immediately complied with: Spenser was charmed with the contrivance; Young Edward was sent to Paris: And the ruin, covered under this fatal snare, was never perceived, nor suspected, by any of the English council. 1325.

THE queen, on her arrival in France, had found there a great number of English fugitives, the remains of the Lancastrian faction; and their common hatred of Spenser soon bred a secret friendship and correspondence between them and that princefs. Among the rest was young Roger Mortimer, a potent baron in the Welsh marches, who had been obliged, with others, to make his submission to the king, had been condemned for high treason; but having received a pardon for his life, was afterwards detained in the Tower, with an intention of rendering his confinement perpetual. He was so fortunate as to make his escape into France^y; and being one of the most considerable persons now remaining of the party, as well as distinguished by his violent animosity against Spenser, he was easily admitted to pay his court to queen Isabella. The graces of his person and address advanced him quickly in her affections: He became her confident and counsellor in all her measures: And gaining daily ground upon her heart, he engaged her to sacrifice at last, to her passion, all the sentiments of honour and of fidelity to her husband^z. Hating now the man, whom she had injured, and whom she never valued, she entered cordially into all Mortimer's conspiracies; and having artfully got into her hands the young prince, and heir of the monarchy, she resolved on the utter ruin of the king, as well as of his favourite. She engaged her brother to enter into this criminal purpose: Her court was daily full of the exiled barons: Mortimer lived in the most declared intimacy with her: A correspondence was secretly carried on with the malcontent party in England: And when Edward, informed of these alarming circumstances, required her speedily to return with the prince, she publicly

U 2

^x Rymer, vol. iv. p. 163, 164, 165. Walsing. p. 120. T. de la More, p. 597. Murimuth, p. 64. ^y Rymer, vol. iv. p. 7, 8, 20. T. de la More, p. 596. Walsing. p. 120. Ypod. Neust. p. 506. ^z T. de la More, p. 598. Murimuth, p. 65.

CHAP. lidy replied, that she would never set foot in the kingdom, till Spenfer was for ever removed from his presence and councils: A declaration, which procured her great popularity in England, and threw a decent veil on all her treasonable enterprizes.

Infurrec-
tions.

EDWARD endeavoured to put himself in a posture of defence^A; but besides the difficulties arising from his own indolence and slender abilities, and the want of authority, which of consequence attended all his resolutions, it was not easy for him, in the present state of the kingdom and revenue, to maintain a constant force, ready to repel an invasion, which he knew not at what time or place he had reason to expect. All his efforts, were unequal to the traiterous and hostile conspiracies, which both at home and abroad were forming against his authority, and which were daily penetrating farther even into his own family. His brother, the earl of Kent, a virtuous but weak prince, who was then at Paris, was engaged by his sister-in-law, and by the king of France, who was also his cousin-german, to give countenance to the invasion, whose sole object, he believed, was the expulsion of the Spensers: He prevailed on his elder brother, the earl of Norfolk, to enter secretly into the same design: The earl of Leicester, brother, and heir of the earl of Lancaster, had too many reasons for his hatred of these ministers, to refuse his concurrence. Walter de Reynel, archbishop of Canterbury, and many of the prelates expressed their approbation of the queen's measures: Several of the most potent barons, envying the exorbitant authority of the favourite, were ready to fly to arms: The minds of the people, by means of some truths and many calumnies, were strongly disposed to the same party: And there needed but the appearance of the queen and prince, with such a body of foreign troops, as might be sufficient to give her protection against immediate violence, to turn all this tempest, so artfully prepared, against the unhappy Edward.

1326. CHARLES, tho' he gave countenance and assistance to the faction, was ashamed openly to support the queen and prince, against the authority of a husband and father; and Isabella was obliged to court the alliance of some other foreign potentate, from whose dominions she might set

^A Rymer, vol. iv. p. 184, 188, 225.

set out on her intended enterprize. For this purpose, she affianced young Edward, whose tender age made him incapable to judge of the consequences, with Philippa, daughter of the count of Holland and Hainault^B; and having by the open assistance of this prince, and the secret protection of her brother, enlisted in her service near 3000 men, she set out from the harbour of Dort, and landed safely, and without opposition, on the coast of Suffolk. The earl of Kent was in her company: Two other princes of the blood, the earl of Norfolk, and the earl of Leicester, joined her soon after her landing with all their followers: Three prelates, the bishops of Ely, Lincoln, and Hereford, brought her both the force of their vassals and the authority of their character^C: Even Robert de Watteville, who had been sent by the king to oppose her progress in Suffolk, deserted to her with all his forces. To render her cause more favourable, she renewed her declaration that the sole purpose of her enterprize was to free the king and kingdom from the tyranny of the Spensers, and of chancellor Baldoc, their creature^D. The populace were allured by her specious pretences: The barons thought themselves secure against forfeitures by the appearance of the prince of Wales in her army: And a weak irresolute king, supported by ministers generally odious, was altogether unable to stem this torrent, which bore with such irresistible violence against him.

24th Sept.

EDWARD, after trying in vain to rouse the citizens of London to some sense of loyalty^E, departed for the west, where he hoped to meet with a better reception; and he had no sooner discovered his weakness by leaving the city, than the rage of the populace broke out without controul against him and his ministers. They first plundered and then murdered all those who were obnoxious to them: They seized the bishop of Exeter, a virtuous and loyal prelate, as he was passing through the streets; and having beheaded him, they threw his body into the river^F. They made themselves masters of the Tower by surprize; and then entered into a formal association

^B T. de la More, p. 598.^C Walsing. p. 123. Ypod.

Neust. p. 507. T. de la More, p. 598. Murimuth, p. 66.

^D Ypod. Neust. p. 508.^E Walsing. p. 123^F Walsing.

p. 124. T. de la More, p. 599. Murimuth, p. 66.

CHAP. sociation to put to death, without mercy, every one who
XIV. should dare to oppose the enterprize of queen Isabella,
 1326. and of the prince^G. A like spirit was soon communicated to all other parts of England; and threw the few servants of the king, who still entertained thoughts of performing their duty, into terror and astonishment.

EDWARD was hotly pursued to Bristol by the earl of Kent, seconded by the foreign forces under John de Hainault. He found himself disappointed in his expectations with regard to the loyalty of those parts; and he passed over to Wales, where, he flattered himself, his name was more popular, and which he hoped to find uninfected with the contagion of general rage which had seized the English^H. The elder Spenser, lately created earl of Winchester, was left governor of the castle of Bristol; but the garrison mutinied against him, and he was delivered into the hands of his enemies. This venerable noble, who had reached the ninetyeth year of his age, was instantly, without a trial, or witness, or accusation, or answer, condemned to death by the rebellious barons: He was hanged on a gibbet; his body was cut in pieces, and thrown to the dogs^I; and his head was sent to Winchester, the place whose title he bore, and was there set on a pole, and exposed to the insults of the populace.

THE king disappointed anew in his expectations of succours from the Welsh, took shipping for Ireland; but being drove back by contrary winds, he endeavoured to conceal himself in the mountains of Wales: He was soon discovered, was put under the custody of the earl of Leicester, and was confined in the castle of Kenilworth. The younger Spenser, his favourite, who also fell into the hands of his enemies, was executed, like his father, without any appearance of a legal trial^K: The earl of Arundel, almost the only man of his rank in England, who had maintained his loyalty, was also, without any trial, put to death at the instigation of Mortimer: Baldock, the chancellor, being a priest, could not with safety be so suddenly dispatched; but being sent to the bishop
 of

^G Walsing. p. 124. ^H Murimuth, p. 67. ^I Leland's Coll. vol. i. p. 673. ^J de la More, p. 599. ^K Walsing. p. 125. M. Froissart. liv. i. chap. 13. ^L Walsing. p. 125. Ypod. Neust. p. 508.

of Hereford's house in London, he was there, as his enemies probably foresaw, seized by the populace, was thrown into Newgate, and soon after expired, from the cruel usage which he had received^L. Even the usual reverence, paid to the sacerdotal character, gave way, with every other consideration, to the present rage of the people.

CHAP.
XIV.

1326.

THE queen, to avail herself of the prevailing delusion, summoned, in the king's name, a parliament at Westminster; where, together with the power of her army, and the authority of her partizans among the barons, who were concerned to secure their past treasons by committing new acts of violence against their sovereign, she expected to be seconded by the fury of the populace, the most dangerous of all instruments, and the least answerable for their excesses. A charge was drawn up against the king, in which, even tho' it was framed by his inveterate enemies, nothing but his narrow genius, or his misfortunes, were objected to him: For the greatest malice found no particular crime with which it could reproach this unhappy prince. He was accused of incapacity for government, of wasting his time in idle amusements, of neglecting public business, of being swayed by evil counsellors, of having lost, by his misconduct, the kingdom of Scotland, and part of Guienne; and to swell the charge, even the death of some barons, and the imprisonment of some prelates, convicted of treason, were laid to his account^M. It was in vain, amidst the violence of arms and tumult of the people, to appeal either to law or reason: The deposition of the king, without any appearing opposition, was voted by parliament: The prince, already declared regent by his party^N, was placed on the throne: And a deputation was sent to Edward at Kenilworth, to require his resignation, which menaces and terror soon extorted from him.

The king
dethroned.
1327.

13th Jan.

BUT it was impossible, that the people, however corrupted by the barbarity of the times, still farther enflamed by faction, could for ever remain insensible to the voice of nature. A wife, who had first deserted, next invaded, and then dethroned her husband: Who had made her

^L Walsing. p. 126. Murimuth, p. 68.
p. 2765, 2766. Brady's App. No. 72.
p. 137. Walsing. p. 125.

^M Kaynton,
^N Rymer, vol. iv.

CHAP.

XIV.

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her infant son an instrument in this unnatural treatment of his father: Who had by lying pretences seduced the nation into a rebellion against their sovereign: Who had pushed them into violences and cruelties, that had dishonoured them: All those circumstances were so odious in themselves, and formed such a complicated scene of guilt, that the least reflection sufficed to open mens eyes, and make them detest this flagrant infringement of every public and private duty. The suspicions which soon arose of Isabella's criminal commerce with Mortimer, the proofs which daily broke out of this part of her guilt, encreased the general abhorrence against her; and her impudent hypocrisy, in publicly bewailing with tears the king's unhappy fate^o, was not able to deceive even the most stupid and most prejudiced of her adherents. In proportion as the queen became the object of public hatred, the dethroned monarch, who had been the victim of her crimes and her ambition, was regarded with pity, with friendship, with veneration; and men became sensible, that all his misconduct, which faction had so much exaggerated, had been owing to the unavoidable weakness, not to any voluntary depravity, of his character. The earl of Leicester, now earl of Lancaster, to whose custody he had been committed, was soon touched with these generous sentiments; and besides using his prisoner with gentleness and humanity, he was suspected to have entertained still more honourable intentions in his favour. The king, therefore, was taken out of his hands, and delivered over to the lord Berkeley, and Mautravers, and Gournay, who were entrusted alternately, each for a month, with the charge of guarding him. While he was in Berkeley's custody, he was still used with the gentleness due to his rank and his misfortunes; but when the turn of Mautravers, and Gournay came, every species of indignity was practised against him, as if their intention had been to break entirely the prince's spirit, and to employ his sorrows and afflictions, instead of more violent and more dangerous expedients, for the instruments of his murder^p. It is reported, that one day, when Edward was to be shaved, they ordered cold and dirty water to be brought from the ditch for that

^o Walsing. p. 126. ^p Anonymi Hist. p. 838.

that purpose; and when he desired it to be changed, and was still denied his request, he burst out into tears, which bedewed his cheeks; and he exclaimed, that, in spite of their insolence, he should be shaved with clean and warm water^Q. But as this means for laying Edward in his grave appeared still too slow to the impatient Mortimer, he secretly sent orders to the two keepers, who were at his devotion, instantly to dispatch him; and these ruffians contrived to make the manner of his death as cruel and barbarous as possible. Taking advantage of Berkeley's sickness, in whose custody he then was, and who was thereby incapacitated from attending his charge^R; they came to Berkeley-castle, and put themselves in possession of the king's person. They threw him on the bed; held him down violently with a table, which they flung over him; thrust into his fundament a red-hot iron, which they inserted thro' a horn; and tho' the outward marks of violence upon his person were prevented by this expedient, the horrid deed was discovered to all the guards and attendants by the screams, with which the agonizing king filled the castle, while his bowels were consuming^S.

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21st Sept.
The king
murdered.

GOURNAY and Mautravers were held in detestation by all mankind; and when the ensuing revolution in England threw their protectors from power, they found it necessary to provide for their safety by flying the kingdom. Gournay was afterwards seized at Marseilles, delivered over to the seneschal of Guienne, put on board a ship with a view of carrying him over to England; but was beheaded at sea, by secret orders, as was supposed, from some nobles and prelates in England, anxious to prevent any discovery, which he might make of his accomplices^T. Mautravers concealed himself for several years in Germany; but having found means of rendering some service to Edward III. he ventured to approach his person, threw himself on his knees before him, submitted to mercy, and received a pardon^U.

It

^Q T. de la More, p. 602.

^R Cotton's Abridg. p. 8.

^S Walsing. p. 127. Ypod. Neust. p. 509. Henning. p. 268.

^T de la More, p. 603. ^T Walsing. p. 128. Anon. Hist.

p. 390. ^U Cotton's Abridg. p. 66, 81. Rymer, vol. v. p. 600.

CHAP. It is not easy to imagine a man more innocent and
 XIV. inoffensive than the unhappy king, whose tragical death
 we have related; nor a prince less fitted for governing
 1327. that fierce and turbulent people, subjected to his autho-
 His Cha- rity. He was obliged to devolve on others the weight of
 racter. government, which he had neither ability nor inclination
 to bear: The same indolence and want of penetration
 led him to make choice of ministers and favourites, who
 were not always the best qualified for the trust commit-
 ted to them: The seditious grandes, pleased with his
 weakness, yet complaining of it; under pretence of at-
 tacking his ministers, insulted his person and invaded his
 authority: And the impatient populace, ignorant of the
 source of their grievances, threw all the blame upon the
 king, and encreased the public disorders by their faction
 and violence. It was in vain to look for protection from
 the laws, whose voice, always feeble in those times, was
 not heard amidst the din of arms: What could not de-
 fend the king was less able to give shelter to any of the
 people: The whole machine of government was torn in
 pieces with fury any violence: And men, instead of re-
 gretting the manners of their age, and the form of their
 constitution, which required the most steady and most
 skilful hand to conduct them, imputed all errors to the per-
 son, who had the misfortune to be entrusted with the reins
 of empire.

BUT tho' such mistakes be natural and almost unavoid-
 able while the events are recent, it is a shameful delusion
 in modern historians, to imagine, that all the antient prin-
 ces, who were unfortunate in their government, were al-
 so tyrannical in their conduct, and that the seditions of
 the people proceeded always from some invasion of their
 liberties and privileges by the monarch. Even a great
 and a good king was not in that age secure against faction
 and rebellion, as appears in the case of Henry II. but a
 great king had the best chance, as we learn from
 the history of the same period, for quelling and
 subduing them. Compare the reigns and characters of
 Edward I. and II. The father made several violent at-
 tempts against the liberties of the people: His barons op-
 posed him: He was obliged, at least found it prudent, to
 submit: But as they dreaded his valour and abilities, they
 were contented with reasonable satisfaction, and pushed
 no farther their advantages against him. The facility and
 weak-

weakness of the son, not his violence, threw every thing into C H A P.
 confusion: The laws and government were overturned: XIV.
 An attempt to reinstate them was an unpardonable crime:

And no atonement, but the deposition and tragical death 1327.
 of the king himself, could give these barons contentment. It is easy to see, that a constitution, which depended so much on the personal character, of the sovereign, must necessarily, in many of its parts, be a government of will, not of laws. But always to throw, without distinction, the blame of all disorders upon the prince, would introduce a fatal error in politics, and serve as a perpetual apology for treason and rebellion: As if the turbulency of the great, and madness of the people, were not, equally with the tyranny of princes, evils incident to human society, and no less carefully to be guarded against in every well regulated constitution.

WHILE these abominable scenes passed in England, Miscella-
 the theatre of France was stained with a wickedness equal-
 ly barbarous, and still more public and deliberate. The transac-
 order of knights templars had arisen during the first ser-tions du-
 vour of the crusades; and uniting the two qualities the-
 most popular in that age, devotion and valour, and ex-reign,
 ercising both in the most popular of all enterprizes, the
 defence of the Holy Land, they had made rapid ad-
 vances in credit and authority, and had acquired, from
 the piety of the faithful, very ample possessions in every
 country of Europe, especially in France. Their great
 riches, joined to the course of time, had, by de-
 grees, relaxed the severity of these virtues; and the
 templars had in a great measure lost that popularity,
 which first raised them to honour and distinction. Ac-
 quainted from experience with the fatigues and dangers
 of those fruitless expeditions to the East, they chose ra-
 ther to enjoy in ease their opulent revenues in Europe:
 And being all of them men of birth, educated, accord-
 ing to the custom of that age, without any tincture of
 letters, they scorned the ignoble occupations of a mo-
 nastic life, and passed their time wholly in the fashiona-
 ble amusements of hunting, gallantry, and the pleasures
 of the table. Their rival order, that of St. John of
 Jerusalem, whose poverty had as yet preserved them from
 like corruptions, still distinguished themselves by their
 enterprizes against the infidels, and succeeded to all the
 popularity, which was lost by the indolence and luxury
 of

CHAP. of the templars. But though these causes had weakened
 XIV. the foundations of this order, once so celebrated and re-
 1327. vered, the immediate source of their destruction proceeded
 from the cruel and vindictive spirit of Philip the Fair, who having entertained a private disgust against some eminent templars, determined to gratify at once his avidity and revenge, by involving the whole order in one undistinguished ruin. On no better information, than that of two knights, condemned by their superiors to perpetual imprisonment for their vices and profligacy; he ordered on one day all the templars of France to be committed to prison, and imputed to them such enormous and absurd crimes, as are sufficient of themselves to destroy all the credit of the accusation. Besides their being universally charged with murder, robbery, and vices the most shocking to nature; every one, it was pretended, whom they received into their order, was obliged to renounce his Saviour, to spit upon the cross^w, and to join to this impiety the superstition of worshipping a gilded head, which was secretly kept in one of their houses at Marseilles. They also initiated, it was said, every candidate by such infamous rites, as could serve to no other purpose, than to degrade the order in his eyes, and to destroy for ever the authority of all his superiors over him^x. Above an hundred of these unhappy gentlemen were put to the question, in order to extort from them a confession of their guilt: The more obstinate perished in the hands of their tormentors: Several, to procure immediate ease in the violence of their agonies, acknowledged whatever was required of them: Forged confessions were imputed to others^y: And Philip, as if their guilt were now certain, proceeded to a confiscation of all their treasures. But no sooner had the templars recovered from their tortures, than preferring the most cruel execution to a life with infamy, they disavowed their confessions, exclaimed against the forgeries, justified the innocence of their order, and appealed to all the gallant actions, performed by them in antient or latter times, as a full apology for their conduct. The tyrant,

^w Rymer, vol. iii. p. 31, 101. ^x It was pretended, that he kissed the knights who received him on the mouth, naval and breech. Dupuy, p. 15, 16. Walf. p. 99. ^y Ver-
 tot, hist. de Chev. de Malte, vol. ii. p. 127, 130, &c.

tyrant, enraged at this disappointment, and thinking himself now engaged in honour to proceed to extremities, ordered fifty-four of them, whom he branded as relapsed heretics, to perish by the punishment of fire in his capital^z: Great numbers expired after a like manner in other parts of the kingdom: And when he found, that the perseverance of these unhappy victims, in justifying to the last their innocence, had made deep impression on the spectators, he endeavoured to overcome the constancy of the templars by new inhumanities. The grand master of the order, John de Molay, and another great officer, brother to the sovereign of Dauphine, were, conducted to a scaffold, erected before the church of Notredame, at Paris: A full pardon was offered them on the one hand: The fire, destined for their execution, was shewn to them on the other: These gallant nobles still persisted in the protestations of their own innocence and that of their order; and were instantly hurried into the flames by the executioner^A.

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IN all this barbarous injustice, Clement V. who was the creature of Philip, and then resided in France, fully concurred; and without examining a witness, or making any enquiry into the truth of facts, he summarily, by the plenitude of his apostolic power, abolished the whole order. The templars all over Europe were thrown into prison; their conduct underwent a strict scrutiny; the power of their enemies still pursued and oppressed them; but no where, except in France, were the smallest traces of their guilt pretended to be found. England sent back an ample testimony of their piety and morals; but as the order was now annihilated, the knights were distributed into several convents, and their possessions were, by command of the pope, transferred to the order of St. John^B. We now proceed to relate some other detached transactions of the present period.

THE kingdom of England was afflicted with a grievous famine during several years of this reign. Perpetual rains and cold weather, not only destroyed the harvest, but bred a mortality among the cattle, and raised every kind

^z Vertot, vol. ii. p. 132. Trivet, cont. p. 8. ^A Vertot, vol. ii. p. 142.

^B Rymer, vol. iii. p. 323. 956. vol. iv. p. 47. Ypod. Neust. p. 506.

CHAP. kind of food to an enormous price^c. The parliament, XIV. in 1315, endeavoured to fix more moderate rates on commodities; not sensible that such an attempt was impracticable, and that, were it possible to reduce the price of food by any other expedient than introducing plenty, nothing could be more pernicious and destructive to the public. Where the produce of a year, for instance, falls so far short, as to afford full subsistence only for nine months, the only expedient for making it last all the twelve, is to raise the prices, to put the people by that means on short allowance, and oblige them to spare their food, till a more plentiful year. But in reality, the encrease of prices is a necessary consequence of scarcity; and laws, instead of preventing it, only encrease the evil, by cramping and restraining commerce. The parliament accordingly, in the ensuing year, repealed their ordinance, which they had found useless and burdensome^d.

THE prices affixed by the parliament are somewhat remarkable: Two pounds eight shillings of our present money for the best ox, not fed with corn: If fed with corn, three pounds twelve shillings: A fat hog of two years old, ten shillings: A fat wether unhorn, a crown: If shorn, three shillings and six pence: A fat goose, seven pence halfpenny: A fat capon, six pence: A fat hen, three pence: Two chickens, three pence: Four pigeons, three pence: Two dozen of eggs, three pence^e. If we consider these prices, we shall find that butchers meat, in this time of great scarcity, must still have been sold by the parliamentary ordinance, three times cheaper than our middling prices at present: Poultry somewhat lower; because, being now considered as a delicacy, it has risen beyond its proportion. In the country places of Ireland and Scotland, were delicacies bear no price, poultry is at present as cheap, if not cheaper, than butcher's meat. But the inference I would draw from the comparison of prices is still more considerable: I suppose that the rates, affixed by parliament, were inferior to the usual market prices in those years of famine and mortality of cattle; and that these commodities, instead of a third, had really risen to a half of the present value.

But

^c Trivet, cont. p. 17, 18. ^d Walk. p. 107. ^e Rot. Parl. 7 Edw. II. n. 35, 36. Ypod. Neust. p. 502.

But the famine at that time was so consuming, that wheat was sometimes sold for above four pounds ten shillings a quarter^f, usually for three pounds^g; that is, considerably above twice our middling prices. A certain proof of the wretched state of tillage in those ages. We formerly found that the middling price of corn in that period was a half of the present value; while the middling price of cattle was only an eighth part: We here find the same immense disproportion in years of scarcity. It may thence be inferred with certainty, that the raising of corn was a species of manufactory, which few in that age could practise with advantage: And there is reason to think, that other manufactures more refined, were sold even beyond their prices: At least there is a demonstration for it in the reign of Henry VII. from the prices affixed to scarlet and other broad cloths by act of parliament. During all those times, it was usual for the princes, and great nobility to make settlements of their velvet beds and silken robes, in the same manner as of their estates and manors^h. In the list of jewels and plate, which had belonged to the ostentatious Gavaston, and which the king recovered from the earl of Lancaster after the murder of that favourite, we find some embroidered girdles, flowered shirts, and silk waistcoatsⁱ. It was afterwards one article of accusation against that potent and opulent earl, when tried for his life, that he had purloined some of these effects of Gavaston. The ignorance of those ages in manufactures, and especially in tillage, is a clear proof that they were far from being populous.

ALL trade and manufactures indeed were then at a very low ebb. The only country in the northern parts of Europe, where they seem to have risen to any tolerable degree of improvement, was Flanders. When Robert, earl of that country, was applied to by Edward, and was desired to break off commerce with the Scots, whom Edward called his rebels, and represented as excommunicated on that account by the church, the earl replied, that Flanders was always considered as common and free and open to all nations^k.

THE

^f Murimuth, p. 48. Walsingham, p. 108, says it rose to six pounds. ^g Ypod. Neust. p. 502. Trivet, cont. p. 18.

^h Dugdale passim. ⁱ Rymer, vol. iii. p. 388. ^k Ibid. p. 770.

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THE petition of the elder Spenser to parliament, complaining of the devastation committed on his lands by the barons, contains several particulars, which are curious; and discover the manners of the age^L. He affirms, that they had ravaged sixty three manors belonging to him, and he makes his losses amount to 46,000 pounds; that is, to 138,000 of our present money. Among other particulars, he enumerates 28,000 sheep, 1000 oxen and heifers, 1200 cows with their breed for two years, 560 cart horses, 2000 hogs, together with 600 bacons, 80 carcasses of beef, and 600 muttons in the larder: ten tuns of cyder, arms for 200 men and other warlike engines and provisions. The plain inference is, that the greatest part of Spenser's vast estate, as well as that of the other nobility, was farmed by the landlord himself, managed by his stewards or bailiffs, and cultivated by his villains. Little or none of it was let on lease to husbandmen: Its produce was consumed in rustic hospitality by the baron or his officers: A great number of idle retainers, ready for any disorder or mischief, were maintained by him: All who lived upon his estate were absolutely at his disposal: Instead of applying to courts of justice, he usually sought redress by open force and violence: The great nobility were a kind of independent potentates, who, if they submitted to any regulations at all, were less governed by the municipal law, than by a rude species of the laws of nations. The method in which we find they treated the king's favourites, and ministers, is a proof of their usual way of dealing with each other. A party, which complains of the arbitrary conduct of ministers, ought naturally to affect a great regard for the laws and constitution, and maintain at least the appearance of justice in their proceedings: Yet these barons, when discontented, came to parliament with an armed force, constrained the king to assent to their measures, and without any trial or witness or conviction, passed, from the pretended notoriety of facts, an act of banishment or attainder against the minister, which, on the first revolution of fortune, was reversed by like expedients. The parliament, during factious times, was nothing but the organ of present power. Tho' the persons of whom it

was

^L Brady's hist. vol. ii. p. 143, from Claus. 15 Edw. II. M. 14. Dors. in cedula.

was chiefly composed, seemed to enjoy great independence; they really possessed no true liberty; and the security of each individual among them, was not so much derived from the general protection of law, as from his own private power and that of his confederates. The authority of the monarch, tho' far from absolute, was very irregular, and might often reach him: The current of a faction might overwhelm him: A hundred considerations, of benefits and injuries, friendships and animosities, hopes and fears, were able to influence his conduct; and amidst these motives a regard to equity and law and justice was commonly, in those rude ages, of little moment. Nor did any man entertain thoughts of opposing present power, who did not deem himself strong enough to dispute the field with it by force, and was not prepared to give battle to the sovereign or the ruling party.

BEFORE I conclude this reign, I cannot forbear making another remark drawn from the detail of losses given in by the elder Spenser; particularly the great quantity of salt meat which he had in his larder, 600 bacon, 80 carcases of beef, 600 muttons. We may observe that the outrage, of which he complains began after the third of May, as we learn from the same paper. It is easy therefore to conjecture what a vast store of the same kind he must have laid up at the beginning of winter; and we may draw a new conclusion with regard to the wretched state of antient husbandry, which could not provide any subsistence for the cattle during winter, even in such a temperate climate as the south of England: For Spenser had but one manor so far north as Yorkshire. There being few or no inclosures, except perhaps for deer, no sown grass, little hay, and no other resources for feeding cattle; the barons, as well as the people, were obliged to kill and salt their oxen and sheep at the beginning of winter, before they became lean upon the common pasture: A precaution still practised with regard to oxen in the least cultivated parts of this island. The salting of mutton is a miserable expedient, which has every where been long disused. From this circumstance, however trivial in appearance, may be drawn very important inferences, with regard to the domestic oeconomy and manner of life in those ages.

THE disorders of the times, from foreign wars and intestine dissensions, but above all, the cruel famine,
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obliged the nobility to dismiss many of their retainers; increased the number of robbers in the kingdom; and no place was secure from their incursions^M. They met in troops like armies, and over-ran the country. Two cardinals, themselves, the pope's legates, notwithstanding the numerous train, which attended them, were robbed, and despoiled of their goods and equipage, when they travelled on the road^N.

AMONG the other wild fancies of the age, it was imagined, that the persons affected with leprosy, a disease at that time very common, had conspired with the Saracens to poison all the springs and fountains; and men being glad of any pretence to get rid of those who were a burthen to them, many of those unhappy people were burnt alive for this chimerical imputation. Several Jews also were punished in their persons, and their goods confiscated on the same account^O.

THIS king left four children, two sons and two daughters: Edward, his eldest son and successor; John, created afterwards earl of Cornwall, who died young at Perth; Jane, afterwards married to David Bruce, king of Scotland; and Eleanor, married to Reginald, count of Gueldres.

STOWE, in his Survey of London, gives us a curious instance of the splendor and hospitality of the antient nobility in this period: It is taken from the account of the cofferer or steward of Thomas earl of Lancaster, and contains the expences of that earl for the year 1313. The pantry, buttery and kitchen, 3405 pounds. For 369 pipes of red wine, and two of white, 104 pounds, &c. The whole 7309 pounds; that is near 22000 pounds of our present money; and making allowance for the cheapness of commodities, near a hundred thousand pounds.

^M Ypod. Neust. p. 302. Walf. p. 107. ^N Ypod. Neust. p. 503. T. de la More, p. 594. Trivet, cont. p. 22. Muri-muth, p. 51. ^O Ypod. Neust. p. 504.

C H A P. XV.

E D W A R D III.

*War with Scotland—Execution of the earl of Kent—
Execution of Mortimer, earl of March—State of
Scotland—War with that kingdom—King's claim to
the crown of France—Preparations for war with
France—War—Naval victory—Domestic Dis-
turbances—Affairs of Brittany—Renewal of the
war with France—Invasion of France—Battle of
Crecy—War with Scotland—Captivity of the king
of Scots—Calais taken.*

THE violent party, which had taken arms against Edward III. and finally deposed that unhappy monarch, deemed it requisite for their future security to pay so far an exterior obedience to the law, as to demand a parliamentary indemnity for all their illegal proceedings; on account of the necessity, which, it was pretended, they lay under, of employing force against the Spensers and other evil counsellors, enemies of the kingdom. All the attainders also, which had passed against the earl of Lancaster and his adherents, when the chance of war turned against them, were easily reversed during the triumph of their party^A; and the Spensers, whose former attainder had been reversed by parliament, were now again, in this change of fortune, condemned by the votes of their enemies. A council of regency was likewise appointed by parliament, consisting of twelve persons; five prelates, the archbishops of Canterbury and York, the bishops of Winchester, Worcester, and Hereford; and seven lay peers, the earls of Norfolk, Kent and Surrey, and the lords Wake, Ingham, Percy, and Roos. The earl of Lancaster was appointed guardian and protector of the king's person. But though it was reasonable to expect, that, as the weakness of the former king had given reins to the licentiousness of the barons, great tranquillity would not prevail during the present minority; the first disturbance arose from the invasion of foreign enemies.

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XV.1327.
20th Jan.

X 2

THE

^A Rymer, vol. iv. p. 245, 257, 258, &c.

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1327.
War with
Scotland.

THE king of Scots, declining in years and health, but retaining still that martial spirit, which had raised his nation from the lowest ebb of fortune, deemed the present opportunity favourable for infesting England: He first made an attempt on the castle of Norham, in which he was disappointed; he then collected an army of 25,000 men on the frontiers, and having appointed the earl of Murray and lord Douglas generals, threatened an incursion into the northern counties. The English regency, after trying in vain every expedient to restore peace with Scotland, made vigorous preparations for war; and besides assembling an English army of near sixty thousand men, they invited back John de Hainault, and some foreign cavalry, whom they had dismissed, and whose discipline and arms had appeared superior to those of their own country. Young Edward himself, burning with a passion for military fame, appeared at the head of these numerous forces; and marched from Durham, the appointed place of rendezvous, in quest of the enemy, who had already broken into the frontiers, and were laying every thing waste around them.

MURRAY and Douglas were the two most celebrated warriors, bred in the long hostilities between the Scots and English; and their forces, trained in the same school, and enured to hardships, fatigues, and dangers, were perfectly qualified, by their habits and manner of life, for that desultory and destructive war, which they carried on against the English. Except a body of about 4000 cavalry, well armed, and fit to make a steady impression in battle, the rest of the army were light armed troops, mounted on small horses, which found subsistence every where, and carried them with rapid and unexpected marches, whether they meant to commit depredations on the peaceable inhabitants, or to attack an armed enemy, or to retreat into their own country. Their whole equipage consisted of a bag of oat meal, which, as a supply in case of necessity, each soldier carried behind him; together with a light plate of iron, on which he instantly baked the oat meal into a cake, in the open fields. But his chief subsistence was the cattle which he seized; and his cookery was as expeditious as all his other operations. After fleaing the animal, he placed the skin loose and hanging in the former of a bag, upon some stakes; he poured

poured water into it, kindled a fire below, and thus made it serve as a cauldron for the boiling of his vi&uals^B. CH A P. XV.

THE chief difficulty, which Edward met with, after composing some dangerous frays, which broke out between his foreign forces and the English^C, was to come up with an army so rapid in their marches, and so little incumbered in their motions. Tho' the flame and smoke of burning villages directed him sufficiently to the place of their encampment, he found upon hurrying thither, that they had already dislodged; and he soon discovered, by new marks of devastation, that they had removed to some distant quarter. After harrassing his army during some time in this fruitless chase, he advanced northwards, and crossed the Tyne, with a resolution of awaiting them on their return homewards, and taking vengeance for all their depredations^D. But that whole country was already so much wasted by their frequent incursions, that it could not afford subsistence to his army; and he was obliged again to return southwards, and change his plan of operations. He had now lost all track of the enemy; and tho' he promised the reward of a hundred pounds a year to any one who should bring him an account of their motions, he remained unactive some days, before he received any intelligence of them^E. He found at last, that they had fixed their camp on the southern banks of the Were, as if they intended to await a battle; but their prudent leaders had chosen the ground with such judgment, that the English, on their approach, saw it impracticable, without temerity, to cross the river in their face, and attack them in their present situation. Edward, impatient for revenge and glory, here sent them a defiance, and challenged them, if they dared, to meet him in an equal field, and try the fortune of arms. The bold spirit of Douglas could ill brook this bravade, and he advised the acceptance of the challenge; but he was over-ruled by Murray, who replied to Edward, that he never took the counsel of an enemy in any of his operations. The king, therefore, kept still his position opposite to them; and expected daily, that necessity would oblige them to change their

^B Froissart, liv. iv. chap. 18.

^D Froissart, liv. iv. chap. 19.

Froissart, liv. iv. chap. 19.

^C Ibid. liv. i. chap. 17.

^E Rymer, vol. iv. p. 312.

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1327.

their quarters, and give him an opportunity of overwhelming them with superior forces. After a few days, they suddenly decamped, and marched farther up the river; but still posted themselves in such a manner, as to preserve the advantage of the ground, if the enemy should venture to attack them^F. Edward insisted, that all hazards should be run, rather than allow these ravagers to escape with impunity; but Mortimer's authority prevented the assault, and opposed itself to the valour of the young monarch. While the armies lay in this position, an incident happened which had well nigh proved fatal to the English. Douglas, having got the word, and surveyed exactly the situation of the English camp, entered it secretly in the night time, with a body of two hundred determined soldiers, and advanced to the royal tent, with a view of killing or carrying off the prince, in the midst of his army. But some of Edward's attendants, awaking in that critical moment, made resistance; his chaplain and chamberlain sacrificed their lives for his safety; the king himself, after making a valiant defence, escaped in the dark: And Douglas, having lost the greatest part of his followers, was glad to make a hasty retreat with the remainder^G. Soon after, the Scottish army decamped without noise in the dead of night; and having thus got the start of the English, arrived without farther loss in their own country. Edward, on entering the place of the Scottish encampment, found only six Englishmen, whom the enemy, after breaking their legs, had tied to trees, in order to prevent their carrying any intelligence to their countrymen^H.

THE king was highly incensed at the disappointment, which he had met with, in his first enterprize, and at the head of so gallant an army. The symptoms, which he had discovered of bravery and spirit, gave extreme satisfaction, and were regarded as sure prognostics of an illustrious reign: But the general displeasure fell violently on Mortimer, who was already the object of public censure: And every measure which he pursued, tended to aggravate,

^F Froissart, liv. iv. chap. 19.
^G Ibid. Hemingford, p. 268. Ypod Neust. p. 509. Knighton, p. 2552.
^H Froissart, liv. v. chap. 19.

^G Ibid. Hemingford, p. 2552.
^H Froissart, liv. v. chap. 19.

vate, beyond all bounds, the hatred of the nation both against him and queen Isabella. CHAP. XV.

WHEN the council of regency was formed, Mortimer, though in the plenitude of his power, had taken no care to ensure a place in it; but this semblance of moderation was only a cover to the most exorbitant and most ambitious projects. He rendered that council entirely useless by usurping to himself the whole sovereign authority; he settled on the queen-dowager the greater part of the royal revenues; he never consulted either the princes of the blood or the nobility in any public measure; the king himself was so besieged by his creatures, that no access could be procured to him; and all the envy, which had attended Gavaston and Spenser, fell much more deservedly on this new favourite.

1327.

MORTIMER, sensible of the growing hatred of the people, thought it requisite, on any terms, to secure peace abroad; and he entered into a negociation with Robert Bruce for that purpose. As the claim of superiority in England, more than any other cause, had tended to inflame the animosities between the two nations, Mortimer consented to resign absolutely this pretension, to give up all the homages done by the Scottish parliament and nobility, and to acknowledge Robert as sovereign of Scotland¹. In return for these advantages, Robert only stipulated the payment of 30,000 marks to England. This treaty was ratified by parliament²; but was nevertheless the source of great discontent among the people, who, having entered zealously into the pretensions of Edward I. and deeming themselves disgraced by the successful resistance of so inferior a nation, were disappointed by this treaty, in all future hopes both of conquest and of vengeance.

1328.

THE princes of the blood, Kent, Norfolk, and Lancaster, were much united in their councils; and Mortimer entertained great suspicions of their designs against him. In summoning them to parliament, he strictly prohibited them, in the king's name, from coming attended with an armed force, an illegal but usual practice in that age. The three earls, as they approached to Salisbury, the place appointed for the meeting of parliament, found, that,

¹ Rymer, p. 337. Heming. p. 270. Anon. Hist. p. 392.

* Ypod. Neust. p. 510.

CHAP. that, tho' they themselves, in obedience to the king's command, had brought only their usual retinue with them,

XV.

1328.

Mortimer and his party were attended with all their followers in arms; and they began with some reason to apprehend a dangerous design against their persons. They therefore retreated, assembled their retainers, and were returning with an army to take vengeance on Mortimer; when the weakness of Kent and Norfolk, who deserted the common cause, obliged Lancaster also to make his submissions^L. The quarrel, by the interposition of the prelates, seemed for the present to be appeased.

1329.

BUT Mortimer, in order to intimidate the princes, determined to have a victim; and the simplicity, with the good intentions of the earl of Kent, afforded him soon after an opportunity of practising upon him. By himself and his emissaries, he endeavoured to persuade that prince, that his brother, king Edward, was still alive, and concealed in some secret prison in England. The earl, whose remorses for the part which he had acted against the late king, probably inclined him to give credit to this intelligence, entered into a design of restoring him to liberty, of re-instating him on the throne, and thereby of making some atonement for the injuries he had unwarily done him^M.

1330.

After this innocent contrivance had been allowed to proceed a certain length, the earl was seized by Mortimer, was accused before the parliament, and condemned by these slavish, tho' turbulent barons, to lose his life and fortune. The queen and Mortimer, apprehensive of young Edward's lenity towards his uncle, hurried on the execution, and the prisoner was beheaded next day: But so general was the affection borne him, and such pity pre- of the earl. vailed for his hard fate, that, tho' peers had been easily of Kent. found, to condemn him, it was evening before his enemies could find an executioner to perform the office^N.

THE earl of Lancaster, on pretence of his assent to this conspiracy, was soon after thrown into prison: Many of the prelates and nobility were prosecuted, Mortimer employed this engine to crush all his enemies, and to enrich himself and his family by the forfeitures. The estate of the earl of Kent was seized for his younger son, Geoffrey:

^L Knyghton, p. 2554. ^M Avesbury, p. 8. Anon. Hist. p. 395. ^N Heming, p. 271. Ypod. Neust. p. 510. Knyghton, p. 2555.

Geoffrey: The immense fortunes of the Spensers, and their adherents were mostly converted to his own use: He affected a state and dignity equal or superior to the royal: His power became formidable to every one: His illegal practices were daily complained of: And all parties, forgetting former animosities, conspired in their hatred of Mortimer.

CHAP.
XV.

1330.

It was impossible, that these abuses could long escape the observation of a prince, endowed with so much spirit and judgment as young Edward, who being now in his eighteenth year, and feeling himself capable of government, repined at being held in fetters by this insolent minister. But so much was he surrounded with the emissaries of Mortimer, that it behoved him to conduct the project for subverting him, with the same secrecy and precaution, as if he had been forming a conspiracy against his sovereign. He communicated his intentions to the lord Mountacute, who engaged the lords Molins and Clifford, Sir John Nevil of Hornby, Sir Edward Bohun, Ufford, and others, to enter into their views; and the castle of Nottingham was chosen for the scene of the enterprize. The queen-dowager and Mortimer lodged in that fortress: The king also was admitted, tho' with a few only of his attendants: And as the castle was strictly guarded, the gates locked every evening, and the keys carried to the queen, it became necessary to communicate the design to Sir William Eland, the governor, who zealously took part in it. By his direction, the king's associates were admitted thro' a subterraneous passage, which had been formerly contrived for a secret outlet to the castle, but was now buried in rubbish; and Mortimer, without having it in his power to make resistance, was suddenly seized in an apartment adjoining to the queen's^o. A parliament was immediately called for his condemnation. He was accused before that assembly of having usurped regal power from the council of regency, appointed by parliament; of having procured the death of the late king; of having deceived the earl of Kent into a conspiracy to restore that prince; of having solicited and obtained exorbitant grants of the royal demesnes; of having dissipated the public treasure; of secreting for his own use 20,000 marks of the money paid by the king of Scotland;

^o Avesbury, p. 9.

CHAP. Scotland; and of other crimes and misdemeanors^p. The
 XV. parliament condemned him, from the supposed notoriety
 of the facts, without trial, or hearing his answer, or ex-
 amining a witness; and he was hanged on a gibbet at the
 Elmes, in the neighbourhood of London. It is remark-
 able, that this sentence was near twenty years after re-
 versed by parliament in favour of Mortimer's son; and
 the reason assigned was the illegal form of the proceed-
 ings^q. The principles of law and justice were esta-
 blished in England, not in such a degree as to prevent any
 iniquitous sentence against a person obnoxious to the rul-
 ing party; but sufficient, on the return of his credit, or
 that of his friends, to serve as a reason or pretence for its
 reversal.

1330.
 Execution of Mortimer.
 29th Nov.

1331. JUSTICE was also executed by a sentence of the house
 of peers, on some of the inferior criminals, particularly
 on Simon de Beresford: But the barons, in that act of
 jurisdiction, entered a protest, that, tho' they had tried
 Beresford, who was none of their peers, they should not
 for the future be obliged to receive any such indictment.
 The queen was confined to her own house at Risings near
 London: Her revenue was reduced to 4000 pounds a
 year: And tho' the king, during the remainder of her
 life, paid her a decent visit once or twice a year, she ne-
 ver was able to reinstate herself in any credit or autho-
 rity.

EDWARD, having now taken the reins of government
 into his own hands, applied himself, with industry and
 judgment, to redress all those grievances, which had either
 proceeded from want of authority in the crown, or from
 the late abuses of it. He issued writs to the judges, en-
 joining them to administer justice, without paying any
 regard to arbitrary orders from the ministers: And as the
 robbers, thieves, murderers, and criminals of all kinds,
 had, during the course of public convulsions, multiplied
 to an enormous degree, and were openly protected by the
 great barons, who made use of them against their ene-
 mies, the king, after exacting from the peers a solemn
 promise in parliament, that they would break off all con-
 nexions with such malefactors^s, set himself in earnest to
 remedy

^p Brady's App. No. 83. Anon. Hist. p. 397, 398. Knygh-
 ton, p. 2556. ^q Cotton's Abridg. p. 85, 86. ^r Ibid.
 p. 10. ^s Cotton's Abridg.

remedy the evil. Many of these gangs had become so numerous, as to require his own presence to dissipate them; and he exerted both courage and industry in executing this salutary office. The ministers of justice, from his example, employed the utmost diligence in discovering, pursuing, and punishing the criminals; and this disorder was by degrees corrected, or at least palliated; the utmost that could be expected with regard to a disease, inherent in the constitution.

In proportion as the government acquired authority at home, it became formidable to the neighbouring nations; and the ambitious spirit of Edward sought, and soon found, an opportunity of exerting itself. The wise and valiant State of Robert Bruce, who had recovered by arms the independence of his country, and had fixed it by the last treaty of peace with England, soon after died, and left David his son, a minor, under the guardianship of Randolph, earl of Murray, the companion of all his victories. It had been stipulated in this treaty, that both the Scottish nobility, who, before the commencement of the wars, enjoyed lands in England, and the English who inherited estates in Scotland, should be restored to their several possessions^T: But tho' this article had been executed pretty regularly on the part of Edward, Robert, who saw the estates claimed by Englishmen much more numerous and valuable than the other, either esteemed it dangerous to admit of so many secret enemies into the kingdom, or found it difficult to wrest from his own followers the possessions bestowed on them as the reward of their fatigues and dangers: And he had protracted the performance of his part of the stipulation. The English nobles, disappointed in their expectations, began to think of a remedy; and as their influence was great in the north, their enmity alone, even tho' unsupported by the king of England, became dangerous to the minor prince, who succeeded to the Scottish throne.

EDWARD BALIOL, the son of that John, who was crowned king of Scotland, had been detained some time a prisoner in England after his father was released; but having also obtained his liberty, he went over to France, and lived in Normandy, on his patrimonial estate in that country, without any thoughts of reviving the claims of

^T Rymer, vol. iv. p. 384.

CHAP. of his family upon the crown of Scotland. His pretensions, however plausible, had been so strenuously abjured by the Scots, and rejected by the English, that he was universally regarded as a private person; and he had been thrown into prison on account of some private offence against the laws, of which he was accused. The lord Beaumont, a great English baron, who in the right of his wife claimed the earldom of Buchan in Scotland^v, found him in this situation; and deeming him a proper instrument for his purpose, made such interest with the king of France, who was not aware of the consequences, that he recovered him his liberty, and brought him over with him into England.

XV.
1332.

THE injured nobles, possessed of such a head, began now to think of vindicating their rights by force of arms; and they applied to Edward for his concurrence and assistance. But there were several reasons, which deterred the king from openly avowing their enterprize. In his treaty with Scotland, he had entered into a bond of 20,000 pounds, payable to the pope, if within four years he violated the peace; and as the term was not yet elapsed, he dreaded the exacting of that penalty, by the sovereign pontiff, who possessed so many means of forcing him to make payment. He was also afraid, that violence and injustice would every where be imputed to him, if he attacked with such superior force a minor king, and a brother-in-law, whose independent title had so lately been acknowledged by a solemn treaty. And as the regent of Scotland, on every demand which had been made, of restitution to the English barons, had always confessed the justice of their claim, and had only given an evasive answer, grounded on plausible pretences, Edward resolved not to proceed to open violence, but to employ like artifices against him. He secretly encouraged Baliol in his enterprize; connived at his assembling forces in the north, and gave countenance to the nobles, who were disposed to join in the attempt. A force of near 2500 men was enlisted under Baliol, by Umfreville earl of Angus, the lords Beaumont, Ferrars, Fitz-warin, Wake, Stafford, Talbot, and Moubray. And as these adventurers apprehended that the frontiers would be strongly armed and guarded, they resolved to make their attack by sea; and having embarked

^v Rymer, vol. iv. p. 251.

berked at Ravenspur, they reached in a few days the coast of Fife. CHAP. XV.

SCOTLAND was at present in a very different situation from that in which it had appeared under the victorious Robert. Besides the loss of that great monarch, whose genius and authority preserved entire the whole political fabric, and maintained an union among the unruly barons, lord Douglas, impatient of rest, had gone over to Spain in a crusade against the Moors, and had there perished in battle^w: The earl of Murray, who had been long declining in age and infirmities, had lately died, and been succeeded in the regency by Donald earl of Marre, a man of much inferior talents: The military spirit of the Scots, tho' still unbroken, was left without a proper guidance and direction. And a minor king seemed ill qualified to defend an inheritance, which it had required all the consummate valour and abilities of his father to acquire and maintain. But as the Scots were apprized of the intended invasion, great numbers, on the appearance of the English fleet, immediately ran to the shore, in order to prevent the landing of the enemy. Baliol had valour and activity, and he drove back the Scots with considerable loss^x. He marched westward into the heart of the country; flattering himself that the ancient partizans of his family would declare for him. But the fierce animosity, which had been kindled between the two nations, inspiring the Scots with a strong prejudice against a prince supported by the English, he was regarded as a common enemy; and the regent found no difficulty in assembling a great army to oppose him. It is pretended, that Marre had no less than 40,000 men under his standard; but the same hurry and impatience, that made him collect a force, which from its greatness was so disproportioned to the occasion, rendered all his motions unskilful and imprudent. The river Erne ran between the two armies; and the Scots, confiding in that security, as well as in their great superiority of numbers, kept no order in their encampment. Baliol passed the river in the night time; attacked the unguarded and undisciplined Scots; threw them into confusion, which was increased by the darkness and by their very numbers to which they trusted; and he beat them off the

^w Froissart, liv. 1. chap. 21. ^x Heming. p. 272. Walsing. p. 131. Knyghton, p. 2560.

CHAP. the field with great slaughter ^Y. But in the morning, when the Scots were at some distance, they were ashamed of having yielded the victory to so weak a foe, and they hurried back to recover the honour of the day. Their eager passions carried them precipitately to battle, without regard to some broken ground, which lay between them and the enemy, and which disordered and confounded their ranks. Baliol seized the favourable opportunity, advanced his troops upon them, prevented them from rallying, and chased them anew off the field with redoubled slaughter. There fell above 12,000 Scots in this action; and among these the flower of their nobility; the regent himself, the earl of Carric, a natural son of their late king, the earls of Athole and Monteith, the lord Hay of Errol, constable, and the lords Keith and Lindsey. The loss of the English scarce exceeded thirty men; a strong proof, among many others, of the miserable state of military discipline in those ages ^Z.

BALIOI soon after made himself master of Perth; but still was not able to bring over any of the Scots to his party. Patric Dunbar, earl of March, and Sir Archibald Douglas, brother to the lord of that name, appeared at the head of the Scottish armies, which amounted still to near 40,000 men; and they proposed to reduce Baliol and the English by famine. They invested Perth by land; they collected some vessels with which they blockaded it by water: But Baliol's ships attacking the Scottish fleet, gained a complete victory; and opened the communication between Perth and the sea ^A. It then behoved the Scots armies to disperse themselves, for want of pay and subsistence: The nation was in effect subdued by a handful of men: Each nobleman, who found himself most exposed to danger, successively submitted to Baliol: That prince was crowned king at Scone; David, his competitor, was sent over to France with his betrothed wife, Jane, sister to Edward; And the heads of his party sued to Baliol for a truce, which he granted them, in order to assemble a parliament in tranquillity, and have his title recognized by the whole Scottish nation.

BUT

^Y Knyghton, p. 2561. ^Z Heming, p. 273. Walsingham, p. 131. Knyghton, p. 2561. ^A Heming, p. 273. Knyghton, p. 2561.

BUT Baliol's imprudence or his necessities making him dismiss the greatest part of his English followers, he was, notwithstanding the truce, attacked of a sudden near Annan by Sir Archibald Douglas, and other chieftains of that party; he was routed; his brother John Baliol was slain; he himself was chased into England in a miserable condition; and thus lost his kingdom by a revolution as quick as that by which he had acquired it.

WHILE Baliol enjoyed his short-lived and precarious royalty, he had been sensible, that without the protection of England, it would be impossible for him to maintain possession of the throne; and he had secretly sent a message to Edward offering to acknowledge his superiority, to renew the homage for his crown, and to espouse the princess Jane, if the pope's consent could be obtained, for dissolving her former marriage, which was not yet consummated. Edward, ambitious of recovering that important sacrifice, made by Mortimer during his minority, threw off all scruples, and willingly accepted the offer; but as the dethronement of Baliol had rendered this concession of no effect, the king prepared to reinstate him in possession of the crown; an enterprize, which appeared from late experience so easy and so little hazardous. As he possessed many popular arts, he consulted his parliament on this occasion; but that assembly, finding the resolution already taken, declined giving any opinion, and only supplied him, in order to support the enterprize, with an aid of a fifteenth, from the personal estates of the nobility and gentry, and a tenth of the moveables of boroughs. And they added a petition, that the king would thenceforth live of his own, without grieving his subjects by illegal taxes, or by the outrageous seizure of their goods in the shape of purveyance^B.

War with
Scotland.

As the Scots expected, that the chief brunt of the war would fall upon Berwic, Douglas, the regent, threw a strong garrison into that place under the command of Sir William Keith, and he himself assembled a great army on the frontiers, ready to penetrate into England, so soon as Edward should have invested the fortress. The English army was less numerous; but better supplied with arms and provisions, and retained in stricter discipline; and the king, notwithstanding the valiant defence of Keith,

^B Cotton's Abridgm.

CHAP. XV. Keith, had in two months reduced the garrison to extremity, and had obliged them to capitulate: They engaged to surrender the place, if they were not relieved within a few days by their countrymen^c. This intelligence, being conveyed to the Scottish army, which was preparing to invade Northumberland, changed their whole plan of operations, and engaged them to advance towards Berwic, and attempt the relief of that important place. Douglas, who had ever proposed to decline a pitched battle, in which he was sensible of the enemy's superiority, and who intended to have drawn out the war by small skirmishes, and by mutually ravaging each other's country, was forced, by the impatience of his troops, to put the whole fate of the kingdom upon the event of one day.

19th July. He attacked the English at Halidown-hill, a little north of Berwic; and tho' the Scottish *Gens d'armes* dismounted from their horses, in order to render the engagement more steady and desperate, they were received with such valour by Edward, and were so galled by the English archers, that they were soon thrown into disorder, and on the fall of Douglas, their general, were put to absolute rout. The whole army fled in confusion, and the English, but much more the Irish, gave little quarter in the pursuit: All the nobles of chief distinction were either slain or taken prisoners: Near thirty thousand of the Scots fell in the action: While the loss of the English amounted only to one knight, one esquire, and thirteen private soldiers: An inequality almost incredible^d.

AFTER this fatal blow, the Scottish nobles had no other resource but instant submission; and Edward, leaving a considerable body with Baliol to compleat the conquest of the kingdom, returned with the remainder of his army into England. Baliol was acknowledged king by a parliament assembled at Edinburgh^e; the superiority of England was again recognized; many of the Scots nobility swore fealty to Edward; and, to compleat the misfortunes of that nation, Baliol ceded Berwic, Denbar, Roxborough, Edinburgh, and all the south-east counties of

^c Rymer, vol. iv. p. 564, 565, 566. ^d Heming. p. 275, 276, 277. Knyghton, p. 2559. Otterborne, p. 115.
^e Rymer, vol. iv. p. 590.

of Scotland, which were declared to be for ever annexed to the English monarchy ^{P.}

CHAP.
XV.

1334.

IF Baliol, on his first appearance, was dreaded by the Scots as an instrument employed by England for the subjection of the kingdom, this deed confirmed all their suspicions, and rendered him the object of universal hatred. Whatever submissions they might be obliged to make, they considered him, not as their prince, but as the delegate and confederate of their determined enemy; and neither the manners of the age, nor the state of Edward's revenue permitting him to maintain a constant standing army in Scotland, the English forces were no sooner withdrawn, than the Scots revolted against Baliol, and returned to their former allegiance under Bruce. Sir Andrew Murray, appointed regent by the party of this latter prince, employed with success his valour and activity in many small but decisive actions against Baliol; and in a short time had almost wholly expelled him the kingdom. Edward was obliged again to assemble an army, and to march into Scotland: The Scots, taught by experience, withdrew into their hills and fastnesses: He destroyed the houses, and ravaged the estates of those whom he called rebels: But this confirmed them still farther in their obstinate antipathy to England and to Baliol; and being now rendered desperate, they were ready to take advantage, on the first opportunity, of the retreat of their enemy, and they soon re-conquered their country from the English. Edward made anew his appearance in Scotland with like success: He found every thing hostile in the kingdom, except the spot on which he was encamped: And tho' he marched uncontrouled over the low countries, the nation itself was farther than ever from being broken and subdued. Besides being supported by their pride and anger, passions difficult to tame, they were encouraged, amidst all their calamities, by daily promises of relief from France; and as a war was now likely to break out between that kingdom and England, they had reason to expect from this incident a great diversion of that force, which had so long oppressed and overwhelmed them.

1335.

1336.

WE now come to a transaction, on which depended the most memorable events, not only of this long and King's

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Y

active claim to
the crown
of France,

^P Ibid. p. 614.

CHAP.
XV.

1337.

active reign, but of the whole English and French history, during more than a century; and it will therefore be necessary to give a particular account of the springs and causes of it. It had long been a prevailing opinion, that the crown of France could never descend to females; and as nations, in accounting for principles, which they regard as fundamental and as peculiar to themselves, are fond of grounding them rather on primary laws, than on blind customs, it had been usual to derive this maxim from a clause in the Salian Code, the law of an antient tribe among the Franks; tho' that clause, when strictly examined, carries only the appearance of favouring this principle, and does not really, by the concession of the best critics, bear the sense commonly imposed upon it. But tho' positive law seems wanting among the French for the exclusion of females, the practice had prevailed; and the rule was established beyond controversy on some antient as well as some modern precedents. During the first race of the monarchy, the Franks were so rude and barbarous a people, that they were incapable of submitting to a female reign; and in that period of their history, there were frequent instances of kings advanced to royalty in prejudice of females, who were related to the crown by nearer degrees of consanguinity. These precedents, joined to like causes, had also established the male succession in the second race; and tho' instances were neither so frequent nor so certain during that period, the principle of excluding the female line seems still to have prevailed, and to have directed the conduct of the nation. During the third race, the crown had descended from father to son for eleven generations, from Hugh Capet to Lewis Hutin; and thus, in fact, during the course of nine hundred years, the French monarchy had always been governed by males, and no female and none descended from females had ever mounted the throne. Philip the Fair, father of Lewis Hutin, left three sons, this Lewis, Philip the Long, and Charles the Fair, and one daughter, Isabella, queen of England. Lewis Hutin, the eldest, left at his death one daughter, by Margaret sister to Eudes, duke of Burgundy; and as his queen was then pregnant, Philip, his younger brother, was appointed regent, till it should appear whether the child proved a son or a daughter. She bore a male, who lived only a few days: Philip was proclaimed king: And as the

the duke of Burgundy made some opposition, and asserted the rights of his niece, the states of the kingdom, by a solemn and deliberate decree, gave her the exclusion, and declared all females for ever incapable of succeeding to the crown of France. Philip died after a short reign, leaving three daughters; and his brother, Charles, without dispute or controversy, then succeeded to the crown. The reign of Charles was also short: He left one daughter: but as the queen was pregnant, the next male heir was appointed regent, with a declared right of succession, if the issue should prove female. This prince was Philip de Valois, cousin german to the deceased king; being the son of Charles de Valois, brother of Philip the Fair. The queen of France was delivered of a daughter: The regency ended; and Philip de Valois was unanimously placed on the throne of France.

THE king of England, who was at that time a youth of fifteen years of age, embraced a notion, that he was intitled, in right of his mother, to the succession of the kingdom, and that the claim of the nephew was preferable to that of the cousin german. There could not well be conceived a notion weaker or worse grounded. The principle of excluding females was of old an established opinion in France, and had acquired equal authority with the most express and positive law: It was supported by antient precedents: It was confirmed by recent instances, solemnly and deliberately decided: And what placed it still beyond controversy; if Edward was disposed to question its validity, he thereby cut off his own pretensions; since the three last kings had all left daughters, who were still alive, and who stood before him in the order of succession. He was therefore reduced to assert, that, tho' his mother, Isabella, was, on account of her sex, incapable of succeeding, he himself, who inherited thro' her, was liable to no such objection, and might claim by the right of propinquity. But besides, that this pretension was more favourable to Charles, king of Navarre, descended from the daughter of Lewis Hutin, it was so contrary to the established principles of succession in every country of Europe^G, was so repugnant to the practice both in private and public inheritances, that no body in France thought of Edward's right: Philip's title was universally

CHA P. verſally recognized and acknowledged ^H: And he never
 XV. imagined, that he had a competitor; much leſs, ſo formidable a one as the king of England.

1337. BUT tho' the youthful and ambitious mind of Edward had raſhly entertained this notion, he did not think proper to inſiſt on his pretenſions, which muſt have immediately involved him, on very unequal terms, in a dangerous and implacable war with ſo powerful a monarch. Philip was a prince of mature years, of great experience, and at that time of an eſtabliſhed character both for prudence and valour; and by theſe circumſtances, as well as by the union of his people, and their acquieſcence in his undoubted right, he poſſeſſed every advantage over a raw youth, newly raiſed, by injuſtice and violence, to the government of the moſt intractable and moſt turbulent ſubjects in Europe. But there immediately occurred an incident, which required, that Edward ſhould either openly declare his pretenſions, or for ever renounce and abjure them. He was ſummoned to do homage for Guienne: Philip was preparing to compel him by force of arms: That country was in a very bad ſtate of defence: And the forfeiture of ſo rich an inheritance was, by the feudal law, the immediate conſequence of his reſuſing or declining to perform the duty of a vaſſal. Edward therefore thought it prudent to ſubmit to preſent neceſſity: He went over to Amiens: Did homage to Philip: And as there had ariſen ſome controverſy concerning the terms of this ſubmiſſion, he afterwards ſent over a formal deed, in which he acknowledged that he owed liege homage to France^I; which was in effect ratifying, and that in the ſtrongeſt terms, Philip's title to the crown of that kingdom. His own claim indeed was ſo unreaſonable, and ſo thoroughly diſavowed by the whole French nation, that to inſiſt on it was no better than to pretend to the entire conqueſt of the kingdom; and it is probable that he would never have farther thought of it, had it not been for ſome incidents, which excited an animoſity between the two monarchs.

ROBERT

^H Ibid. chap. 22. ^I Rymer, vol. iv. p. 477, 481. Froiſſart, liv. 1. chap. 25. Anon. Hiſt. p. 394. Walsingham, p. 130. Murimuth, p. 73.

ROBERT D'ARTOIS was descended of the royal blood of France, was a man of great character and authority, had espoused Philip's sister, and by his birth, talents, and credit was entitled to make the highest figure, and fill the most important offices, in the monarchy. This prince had lost the county of Artois, which he claimed as his birthright, by a sentence, commonly deemed iniquitous, of Philip the Fair; and he was seduced to attempt recovering possession by an action, so unworthy of his rank and character as a forgery^K. The detection of this crime covered him with shame and confusion: His brother-in-law not only abandoned him, but prosecuted him with violence: Robert, incapable of bearing disgrace, left the kingdom, and hid himself in the Low Countries: Being chased from that retreat, by the authority of Philip, he came over to England; in spite of the French king's menaces and remonstrances, he was favourably received by Edward^L; and was soon admitted into the councils and shared the confidence of that monarch. Abandoning himself to all the movements of rage and despair, he endeavoured to revive the prepossessions entertained by Edward in favour of his title to the crown of France, and even flattered him, that it was not impossible for a prince of his valour and abilities, to render his claim effectual: The king was the more disposed to hearken to suggestions of this nature, because he had, in several particulars, complaints against Philip's conduct with regard to Guienne, and because that prince had both given protection to the exiled David Bruce, and supported, or at least encouraged the Scots in their struggles for independency. Thus resentment gradually filled the breasts of both the monarchs, and made them incapable of hearkening to any terms of accommodation, proposed by the pope, who never ceased interposing his good offices between them. Philip thought, that he should be wanting to the first principles of policy, if he abandoned Scotland: Edward pretended, that he must relinquish all principles of generosity, if he withdrew his protection from Robert. The former, informed of some preparations for hostilities, which had been made by his rival, issued a sentence of felony and forfeiture against Robert,

^K Froissart, liv. 1. chap. 29.
747. Froissart, liv. 1. chap. 27.

^L Rymer, vol. iv. p.

CHAP. Robert, and declared, that every vassal of the crown, whether *within* or *without* the kingdom, who gave countenance to that traitor, was involved in the same sentence; a menace easy to be understood: The latter, resolute not to yield, endeavoured to form alliances in the Low Countries and on the frontiers of Germany, the only places from which he either could make an effectual attack upon France, or produced such a diversion as might save the province of Guienne, which lay so much exposed to the power of Philip.

Preparations for war with France.

THE king began with opening his intentions to the count of Hainault, his father-in-law; and having engaged him in his interests, he employed the good offices and councils of that prince in drawing into his alliance the other sovereigns of that neighbourhood. The duke of Brabant was induced, by his mediation, and by large remittances of money from England, to promise his concurrence^M: The archbishop of Cologne, the duke of Guelders, the marquis of Juliers, the count of Namur, the lords of Fauquemont and Baquen, were engaged by like motives to embrace the English alliance^N. These sovereigns could supply, either from their own states or from the bordering countries, great numbers of warlike troops; and nought was wanting to make the force on that quarter very formidable but the accession of Flanders; which Edward procured by means somewhat extraordinary and unusual.

As the Flemings were the first people in the northern parts of Europe, who cultivated arts and manufactures, the lower ranks of men in that province had risen to a degree of riches unknown elsewhere to those of their station in that barbarous age, had acquired privileges and independence, and began to emerge from that state of vassalage, or rather slavery, into which the common people had been universally thrown by the feudal institutions. It was probably difficult for them to bring their sovereign and their nobility to conform themselves to the principles of law and civil government, so much neglected in every other country: It was impossible for them to confine themselves within the proper bounds in their opposition and resentment against any instance

^M Rymer, vol. iv. p. 777.
29, 33, 36.

^N Froissart, liv. 4. chap.

instance of tyranny: They had risen in tumults: Had insulted the nobles: Had chased their earl into France: And delivering themselves over to the guidance of a seditious leader, had practised all those insolences and disorders, which the thoughtless and enraged populace are so much inclined to commit, wherever they are unfortunate enough to be their own masters ^o.

THEIR present leader was James d'Arteville, a brewer in Ghent, who governed them with a more absolute sway than ever had been assumed by any of their lawful sovereigns: He placed and displaced the magistrates at pleasure: He was accompanied with a guard, who on the least signal from him, instantly assassinated any man that happened to fall under his displeasure: All the cities of Flanders were full of his spies; and it was immediate death to give him the smallest umbrage: The few nobles, who remained in the country, lived in continual terror of his violence: He seized the estates of all those whom he had either banished or murdered; and bestowing a part on their wives and children, converted the remainder to his own use ^p. Such were the first effects, which Europe saw, of popular violence; after having groaned, during so many ages, under the monarchical and aristocratical tyranny.

JAMES D'ARTEVILLE was the man, to whom Edward applied himself for bringing over the Flemings to his interests; and that prince, the most aspiring of his age, never courted any ally with so much assiduity and so many submissions, as he employed towards this seditious and criminal mechanic. D'Arteville, proud of these advances from the king of England, and sensible, that the Flemings were naturally inclined to maintain connections with the English, who furnished them the materials of their woollen manufactures, the chief source of their opulence, readily embraced the interests of Edward, and invited him over into the Low Countries. Edward, before he entered on this great enterprize, affected to consult his parliament, asked their advice, and obtained their consent ^q. And the more to strengthen his hands, he procured from them a grant of 20,000 sacks of wool; which might amount to above a hundred thousand

^o Froissart, liv. 1. chap. 30. Meyers.
liv. 1. chap. 30. ^q Cotton's Abridg.

^p Froissart,

CHAP. sand pounds: This wool was a good instrument to employ with the Flemings; and the price of it with his German allies. He compleated the other necessary sums by loans, by pawning the crown jewels, by confiscating or rather robbing at once all the Lombards, who now exercised the invidious trade, formerly monopolized by the Jews, of lending on interest^R; and being attended with a body of English forces, and with several of his nobility, he sailed over into Flanders.

1338.

THE German princes, in order to justify their unprovoked hostilities against France, had required the sanction of some legal authority; and Edward, that he might give them satisfaction on this head, had applied to Lewis of Bavaria, then emperor, and had been created by him *vicar of the empire*; an empty title, but which seemed to give him a right of commanding the service of the princes of Germany^S. The Flemings, who were vassals of France, pretending like scruples with regard to the invasion of their liege lord; Edward, by the advice of d'Arteville, assumed, in his commissions, the title of king of France, and, by virtue of this right, challenged their assistance for dethroning Philip de Valois, the usurper of his kingdom^T. This step, which, he feared, would destroy all future amity between the kingdoms, and beget endless and implacable jealousies in France, was not taken by him without much reluctance and hesitation: And as it was not in itself very justifiable, it was in the issue attended with many miseries to both nations. From this period we may date the commencement of that great animosity, which the English have ever since borne to the French, which has so visible an influence on all future transactions, and which has been, and continues to be the spring of many rash and precipitate resolutions among them. In all the preceding reigns since the conquest, the hostilities between the two crowns had been only casual and temporary; and never being attended with any bloody or dangerous event, the traces of them were easily obliterated by the first treaty of pacification. The English nobility and gentry valued themselves on their French or Norman extraction: They affected to employ the language of that country in all public transactions,

^R Dugd. Baron. vol. ii. p. 146. ^S Froissart, liv. 1. chap. 35. Henning. p. 303. Walsingham, p. 143.

saſions, and even in familiar converſation: And as both the Engliſh court and camp were always full of nobles, who came from ſome province or other of France, the two people were during ſeveral centuries more intermingled together than any two diſtinct nations, whom we meet with in hiſtory. But the fatal pretenſions of Edward III. diſſolved all theſe connexions, and left the ſeeds of great animoſity in both countries, eſpecially among the Engliſh. For it is remarkable, that this latter nation, tho' they were commonly the aggreſſors, and by their ſucceſs and ſituation were enabled to commit the moſt cruel injuries on the other, have always retained a ſtronger tincture of national antipathy; nor is their hatred retaliated on them to an equal degree by the French. That country lies in the middle of Europe, has been ſucceſſively engaged in hoſtilities with all its neighbours, the popular prejudices have been diverted into many channels, and, among a people of ſofter manners, they never roſe to a great height againſt any particular nation.

C H A P.

XV.

1338.

PHILIP made great preparations againſt the attack of the Engliſh, and ſuch as ſeemed more than ſufficient to ſecure him from the danger. Beſides the concurrence of all the nobility in his own populous and warlike kingdom, his foreign alliances were both more cordial and powerful than thoſe which were formed by his antagonist. The pope, who, at this time, lived in Avignon, was dependent on France, and being diſguſted at the connexions between Edward and Lewis of Bavaria, whom he had excommunicated, he embraced with zeal and ſincerity the cauſe of the French monarch. The king of Navarre, the duke of Brittany, the count of Bar were in the ſame intereſts; and on the ſide of Germany, the king of Bohemia, the palatine, the dukes of Lorraine and Auſtria, the biſhop of Liege, the counts of Deux-pont, Vaudemont, and Geneva. The allies of Edward were in themſelves weaker; and having no other object, but his money, which began to be exhausted, they were very ſlow in their motions, and very irreſolute in their meaſures. The duke of Brabant, the moſt powerful among them, ſeemed even inclined to withdraw himſelf wholly from the alliance; and the king was neceſſitated, both to give the Brabanters new privileges in trade, and to contract his ſon

1339.

CHAP. son Edward with the daughter of that prince, ere he
XV. could bring him to fulfil his engagements. The sum-

mer was wasted in conferences and negotiations before
1339- Edward could lead his armies into the field; and he was
obliged, in order to allure his German allies into his mea-
sures, to pretend that the first attack should be made up-
on Cambray, a city of the empire which had been gar-
risoned by Philip^v. But finding by a nearer inspec-
tion the difficulty of the enterprize, he conducted them
towards the frontiers of France; and he there found, by
a sensible proof, the vanity of his expectations: The
count of Namur, and even the count of Hainault, his
brother-in-law (for the old count was dead) refused to
commence hostilities against their liege lord, and retired
with their troops^w. So little account did they make of
Edward's pretensions to the crown of France!

War with
France.

THE king however entered the enemy's country, and
encamped on the fields of Vironfosse near Capelle, with
an army of near 50,000 men, composed almost entirely
of foreigners. Philip came within sight of him with an
army of near double the force, composed chiefly of na-
tive subjects; and it was daily expected that a battle would
ensue. But the English monarch was averse to engage
against so great a superiority: The French thought it
sufficient if he eluded the attacks of his enemy, without
running any unnecessary hazard. The two armies faced
one another for some days: Mutual defiance was sent:
And Edward, at last, retired into Flanders, and dispersed
his army^x.

SUCH was the fruitless and almost ridiculous conclu-
sion of all Edward's mighty preparations; and as his
measures were the most prudent, that could be embraced
in his situation, he might learn from experience in what
a hopeless enterprize he was engaged. His expences,
though they had led to no end, had been consuming and
destructive: He had contracted near 300,000 pounds of
debt^y; he had anticipated all his revenue; he had pawn-
ed every thing of value, which belonged either to him-
self or his queen; he was obliged in some measure even
to

^v Froissart, liv. 1. chap. 39. Heming. p. 305. ^w Frois-
sart, liv. 1. chap. 39. ^x Froissart, liv. 1. chap. 41, 42, 43.
Heming. p. 307. Walsing. p. 143. ^y Cotton's Abridg.
p. 17.

to pawn himself to his creditors, by desiring their permission to go over to England, in order to procure supply, and by promising on his word of honour to return in person, if he did not remit their money.

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XV.
1339.

BUT he was a prince of too much spirit to be discouraged by the first difficulties of an undertaking; and he was anxious to retrieve his honour by more successful and more gallant enterprizes. For this purpose, he had, during the course of the campaign, sent orders to summon a parliament by his son Edward, whom he had left with the title of guardian, and to demand some supply in his urgent necessities. The barons seemed inclined to grant his request; but the knights, who often, at this time, acted as a separate body from the burgesses made some scruple of taxing their constituents, without their consent; and they desired the guardian to summon a new parliament, who might be properly empowered for that purpose. The situation of the king and parliament was, for the time, nearly similar to that which they constantly fell into about the beginning of the last century; and similar consequences began visibly to appear. The king, sensible of the frequent demands which he would be obliged to make on his people, had been anxious to ensure to his friends a seat in the house of commons; and at his instigation, the sheriffs and other placemen had made interest to be elected into that assembly; an abuse which the knights desired the king to correct by the tenor of his writ of summons, and which was accordingly remedied. On the other hand, the knights professedly annexed conditions to their intended grant, and required a considerable retrenchment of the royal prerogatives, particularly with regard to purveyance, and the levying of the ancient feudal aids for knighting the king's eldest son, and marrying his eldest daughter. The new parliament, called by the guardian, retained the same free spirit; and tho' they offered a large supply of 30,000 sacks of wool, no business was concluded; because the conditions, which they annexed, appeared too high to be compensated by a temporary concession. But when Edward himself came over to England, he summoned another parliament, and had the interest to procure a supply on more moderate terms. A confirmation of the two charters and of the privileges of boroughs, a pardon for old

CHAP. old debts and trespasses, and a remedy for some abuses in the execution of common law, were the chief conditions insisted on; and the king, in return for his concessions

XV. 1339. on these heads, obtained from the barons and knights an unusual grant for two years of the ninth sheaf, lamb, and fleece on their estates, and from the burgesses, a ninth of their moveables at their true value. The whole parliament also granted a duty of forty shillings on each sack of wool exported, on each three hundred wool-fells, and on each last of leather for the same term of years; but dreading the arbitrary spirit of the crown, they expressly declared, that this grant was to continue no longer, and was not to be drawn into precedent. Being soon after sensible, that this supply, tho' considerable and very unusual in that age, would come in slowly, and would not answer the king's urgent necessities, both from his past debts, and his preparations for war; they agreed, that 20,000 sacks of wool should immediately be granted him, and their value be deducted from the ninths, which were afterwards to be levied.

BUT there appeared, at this time, another jealousy in the parliament, which was very reasonable, and was founded on a sentiment that ought to have engaged them rather to check than support the king in all those ambitious projects, so little likely to prove successful, and so dangerous to the nation, if they did. Edward, who, before the commencement of the former campaign, had, in several commissions, assumed the title of king of France, now more openly, in all public deeds, gave himself that appellation, and always quartered the arms of France with those of England in his seals and ensigns. The parliament thought proper to obviate the consequences of this measure, and to declare, that they owed him no obedience as king of France, and that the two kingdoms must forever remain distinct and independent^y. They undoubtedly foresaw, that France, if subdued, would in the end prove the seat of government; and they deemed this previous protestation necessary, in order to prevent their becoming a province under that monarchy. A very frail security, if the event had really taken place!

1340. As Philip was apprized, from the preparations, which were making both in England and the Low Countries, that

^y 14 Edward III.

that he must expect another invasion from Edward, he fitted out a great fleet of 400 vessels, manned with 40,000 men; and he stationed them off Sluise, with a view of intercepting the king in his passage. The English navy was much inferior in number, consisting only of 240 ships; but whether it was by the superior abilities of Edward, or the greater dexterity of his seamen, they gained the wind of the enemy, and had the fun in their backs; and with these advantages began the action. The battle was fierce and bloody: The English archers, whose force and address were now much celebrated, galled the French on their approach: And when the ships grappled together, and the contest became more steady and furious, the example of the king, and of so many gallant nobles, who accompanied him, animated to such a degree the seamen and soldiery, that they maintained every where a superiority over the enemy. The French also had been guilty of some imprudence in taking their station so near the coast of Flanders, and choosing that place for the scene of action. The Flemings, desirous of the battle, hurried out of their ports, and brought a reinforcement to the English; which, coming unexpectedly, had a greater effect than in proportion to its power and numbers. Two hundred and thirty French ships were taken: Thirty thousand Frenchmen were killed, with two of their admirals: The loss of the English was inconsiderable, compared to the greatness and importance of the victory^z. None of Philip's courtiers, it is said, dared to inform him of the event; till his fool or jester gave him a hint, by which he discovered the loss that he had sustained^a.

1340.
Naval
victory.
13th June.

THE lustre of this great success added to the king's authority among his allies, who assembled their forces with expedition, and joined the English army. Edward marched to the frontiers of France at the head of above 100,000 men, consisting chiefly of foreigners, a more numerous army than, either before or since, has ever been commanded by any king of England^b. At the same time, the Flemings, to the number of 50,000 men, marched out under the command of Robert d'Artois, and laid

^z Froissart, liv. 1. chap. 51. Avesbury, p. 56. Heming. p. 321. ^a Walsing. p. 148. ^b Rymer, vol. v. p. 197.

laid siege to St. Omer; but this tumultuary force, composed entirely of tradesmen, unexperienced in war, was routed by a sally of the garrison, and notwithstanding the abilities of their leader, was thrown into such a panic, that they were instantly dispersed, and never after appeared in the field. The enterprizes of Edward, tho' not attended with so inglorious an issue, proved equally vain and fruitless. The king of France had assembled an army more numerous than the English; was accompanied with all the chief nobility of his kingdom; was attended by many foreign princes, and even by three monarchs, the kings of Bohemia, Scotland, and Navarre^C: Yet he still adhered to the prudent resolution of putting nothing to hazard, and after throwing strong garrisons into all the frontier towns, he retired backwards, persuaded, that the enemy, having wasted their force in some tedious and unsuccessful enterprize, would afford him an easy victory.

TOURNAY was at that time one of the most considerable cities of Flanders, containing above 60,000 inhabitants of all ages, who were affectionate to the French government; and as the secret of Edward's designs had not been strictly kept, Philip learned, that the English, in order to gratify their Flemish allies, had intended to open the campaign with the siege of this place: He took care therefore to supply it with a garrison of 14,000 men, commanded by the bravest nobility of France; and he reasonably expected, that these forces, joined to the inhabitants, would be able to defend the city against all the efforts of the enemy. Accordingly, Edward, when he commenced the siege, about the end of July, found every where an obstinate resistance: The valour of the one side was encountered with equal valour by the other: Every assault was repulsed and proved unsuccessful: And the king was at last obliged to turn the siege into a blockade, in hopes, that the great numbers of the garrison and inhabitants, which had enabled them to defend themselves against his attacks, would but expose them to be the more easily reduced by famine^D. The count d'Eu, the governor, as soon as he perceived that the English had formed this plan of operations, endeavoured

^C Froissart, liv. i. chap. 57.^D Froissart, liv. i. chap.

devoured to spare his provisions, by expelling all the CHAP. XV.
 useless mouths; and the duke of Brabant, who wished no
 success to Edward's enterprizes, gave every one a free
 passage thro' his quarters.

346.

AFTER the siege had continued ten weeks, the city was reduced to distress; and Philip, recalling all his scattered garrisons, advanced towards the English camp at the head of a mighty army, with an intention of still avoiding any decisive action, but of seeking some opportunity to throw relief into the place. Here, Edward, irritated with the small progress he had hitherto made, and with the disagreeable prospect that lay before him, sent Philip a defiance by a herald; and challenged him, to decide their claims for the crown of France, either by single combat, or by an action of a hundred against a hundred, or by a general engagement. But Philip replied, that Edward having done homage to him for the duchy of Guienne, and having solemnly acknowledged his superiority, it by no means became him to send a defiance to his liege lord and sovereign: That he was confident, notwithstanding all Edward's preparations, and his conjunction with the rebellious Flemings, to be able soon to chase him from the frontiers of France: That as the hostilities from England had prevented him from executing his purposed crusade against the infidels, he trusted in the assistance of the Almighty, who would reward his pious intentions, and punish the aggressor, whose ill-grounded claims had rendered them ineffectual: That Edward proposed a duel on very unequal terms, and offered to hazard only his own person, against both the kingdom of France, and the person of the king: But that if he would encrease the stake, and put also the kingdom of England on the issue of the duel, he would, notwithstanding that the terms would still be unequal, very willingly accept of the challenge^E. It was easy to see that these mutual bravades were intended only to dazzle the populace, and that the two kings were too wise to think of executing their pretended purpose.

WHILE the French and English armies lay in this situation, and a general action was every day expected, Jane, countess, dowager of Hainault, interposed with her

^E Du Tillet, Recueil de Traitez, &c. Heming. p. 325, 326. Walsing. p. 149.

CHAP. her good offices, and endeavoured to conciliate peace between the contending monarchs, and to prevent any farther effusion of blood. This princess was {mother-in-law
XV. to Edward, and sister to Philip; and tho' she had taken
1340. the vows in a convent, and had abandoned the world, she left her retreat on this occasion, and employed all her pious efforts to allay those animosities, which had taken place between persons so nearly related to her, and to each other. As Philip had no material claims on his antagonist, she found him to hearken very willingly to the proposals; and even the haughty and ambitious Edward, convinced of his fruitless attempt, was not averse to her negotiation. He was sensible from experience, that he had engaged in an enterprize which far exceeded his force; and that the power of England was never likely to prevail over that of a superior kingdom, firmly united under an able and prudent monarch. He discovered, that all the allies, whom he could gain by negotiation, were at bottom averse to his enterprize; and tho' they might second it to a certain length, would immediately detach themselves, and oppose its final accomplishment, if ever they could be brought to think, that there was seriously any danger of it. He even saw, that their chief purpose was to obtain money from him; and as his supplies from England came in very slowly, and had much disappointed his expectations, he was convinced of their growing indifference in his cause, and of their zeal to embrace all plausible terms of accommodation. Convinced at last, that an undertaking must be imprudent, which could only be supported by means so unequal to the end, he concluded a truce, which left both parties in possession, of their present acquisitions, and stopped all farther hostilities on the side of the Low Countries, Guienne and Scotland, till Midsummer next^F. A negotiation was soon after opened at Arras, under the mediation of the pope's legates, and the truce was attempted to be converted into a solid peace. Edward here required that Philip should free Guienne from all claims of superiority, and entirely abandon the protection of Scotland: But as he seemed not any wise entitled to make such exorbitant demands, either from his past successes, or future prospects, they were totally rejected by Philip,

3d Sept.

^F Froissart, liv. 1. chap. 64. Avesbury, p. 65.

hip, who agreed only to a prolongation of the truce. C H A P. XV.

THE king of France soon after detached the emperor Lewis from the alliance of England, and engaged him to revoke the title of imperial vicar, which he had conferred on Edward^o. The king's other allies on the frontiers of France, disappointed in their hopes, gradually withdrew from the confederacy. And Edward himself, harrassed by his numerous and importunate creditors, was obliged to make his escape by stealth into England.

1340.

THE unusual imposition of a ninth sheaf, lamb and Domestic fleece, laid on by the parliament, together with the great disturbance of money, and still more, of credit in England, had rendered the remittances to Flanders so backward; nor could it be expected, that any expeditious methods of collecting a tax, which was so new in itself, and which yielded only a gradual produce, could possibly be contrived by the king or his ministers. And tho' the parliament, foreseeing the inconvenience, had granted, as a present resource, 20,000 sacks of wool, the only English goods which bore a certain price in foreign markets, and were the next to ready money; it was impossible, but the seizing of such a bulky commodity, the gathering of it from different parts of the kingdom, and the disposing of it abroad, must take up much more time than the urgency of the king's affairs would permit, and occasion all the disappointments complained of, during the course of the campaign. But tho' nothing had happened, which Edward might not reasonably have foreseen, he was so irritated with the unfortunate issue of his military operations, and so much vexed and affronted by his foreign creditors, that he was determined to throw the blame somewhere off himself, and he came in very bad humour into England. He discovered his peevish disposition by the first act which he performed after his arrival: As he landed unexpectedly, he found the Tower somewhat unguarded; and he immediately committed to prison the constable and all others who had the charge of that fortress; and he treated them with unusual rigourⁿ. His vengeance fell next on the officers of the revenue, the sheriffs, the collectors of the taxes, the undertakers of all

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kind

^o Heming. p. 352. Ypod. Neust. p. 514. Knyghton, p. 2580. ⁿ Ypod. Neust. p. 513.

CHAP. kinds; and besides turning all of them out of their offices, he appointed commissioners to enquire into their conduct; and these men, in order to gratify, the king's humour, were sure not to find any person innocent, who came before them¹. Sir John St. Paul, keeper of the privy seal, Sir John Stonore, lord chief justice, Andrew Aubrey, mayor London, were displaced and imprisoned; as were also the bishop of Chichester, chancellor, and the bishop of Lichfield, treasurer. Stratford, archbishop of Canterbury, on whom the charge of collecting the new taxes had been chiefly laid, fell likewise under the king's displeasure; but being absent at the time of Edward's arrival, he escaped feeling the immediate effects of it.

There were strong reasons, which might discourage the kings of England, in those ages, from bestowing the chief offices of the crown on prelates and other ecclesiastical persons. These men had so entrenched themselves in privileges and immunities, and challenged so openly an exemption from all secular jurisdiction, that no civil penalty could be inflicted on them for any malversation in office; and as even treason itself was declared to be no canonical offence, nor was allowed to be a sufficient reason for deprivation or other spiritual censures, that order of men had ensored to themselves almost a total impunity, and were not bound by any political laws or statutes. But, on the other hand, there were many peculiar causes which favoured their promotion. Besides that they possessed almost all the learning of the age, and were best qualified for civil employments; the prelates enjoyed equal dignity with the greatest barons, and gave weight, by their personal authority, to the powers entrusted with them: While, at the same time, they endangered not the crown by accumulating wealth or influence in their families, and were restrained, by the decency of their character, from that open rapine and violence, so often practised by the nobles. These motives had induced Edward, as well as many of his predecessors, to entrust the chief parts of his government in the hands of ecclesiastics;

¹ Avesbury, p. 70. Heming. p. 326. Walsingham. p. 150.

clerastics; at the hazard of seeing them disown his authority so soon as it was turned against them.

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THIS was the case with archbishop Stratford. That prelate, informed of Edward's indignation against him, prepared himself for the storm; and not content with standing upon the defensive, he resolved, by beginning the attack, to shew the king, that he knew the privileges of his character, and had courage to maintain them. He issued a general sentence of excommunication against all, who, on any pretext, exercised violence on the person or goods of clergymen; who infringed those privileges secured by the great charter, and by the ecclesiastical canons; or who accused a prelate of treason, or any other crime, in order to bring him under the king's displeasure^k. Even Edward had reason to think himself struck at by this sentence; both on account of the imprisonment of the two bishops and that of other clergymen concerned in levying the taxes, and on account of his seizing their lands and moveables, that he might make them answerable for any balance, which remained in their hands. The clergy, with the primate at their head, were now formed into a regular combination against the king; and many calumnies were spread against him, in order to deprive him of the confidence and affections of his people; that he intended to recall the general pardon, and the remission of old debts which he had granted, and to impose new and arbitrary taxes without consent of parliament. The archbishop went so far, in a letter to the king himself, as to tell him, that there were two powers, by which the world was governed, the holy pontifical apostolic dignity, and the royal subordinate authority: That of these two powers, the clerical was evidently the supreme, since the priests were two answer, at the tribunal of the divine judgment, for the conduct of kings themselves: That the clergy were the spiritual fathers of all the faithful, and, amongst others, of kings and princes; and were intitled, by a heavenly charter, to direct their wills and actions, and to censure their transgressions: And that prelates had heretofore cited emperors before their tribunal, had sat in judgment on their life and behaviour, and had anathematized them for their obstinate offences^l.

Z 2

These

^k Heming. p. 339. Ang. Sacra, vol. i. p. 21, 22. Walsingham, p. 153. ^l Anglia Sacra, vol. i. p. 27.

These topics were not well calculated to appease Edward's indignation; and when he called a parliament, he sent not to the primate, as to the other peers, a summons to attend it. Stratford was not discouraged with this mark of neglect or anger: He appeared before the gates, arrayed in his pontifical robes, holding the crozier in his hand, and accompanied with a pompous train of priests and prelates; and he required admittance as the first and highest peer of the realm. During two days, the king rejected his application: But, either sensible that this affair might be attended with dangerous consequences, or that in his impatience he had groundlessly accused the primate of malversation in his office, which seems really to have been the case; he at last permitted him to take his seat, and was reconciled to him^M.

EDWARD now found himself in a very bad situation both with his own people and with foreign states; and it required all his genius and capacity to extricate himself from such multiplied difficulties and embarrassments. His unjust and exorbitant claims on France and Scotland had engaged him in an implacable war with these two kingdoms, his nearest neighbours: He had lost almost all his foreign alliances by his irregular payments: He was deeply involved in debts, for which he owed a consuming interest: His military operations had vanished into smoke; and, except his naval victory, none of them had been attended even with glory or renown, either to himself or to the nation: The animosity between him and the clergy was open and declared: The people were discontented on account of many arbitrary measures, in which he had been engaged: And what was more dangerous, the nobility, taking advantage of his present necessities, were determined to retrench his power, and by encroaching on the ancient prerogatives of the crown, to acquire to themselves independence and authority. But the aspiring genius of Edward, which had so far transported him beyond the bounds of discretion, proved at last sufficient to re-instate him in his former authority, and finally to render his reign the most triumphant which is to be met with in English story: Tho' for the present he was obliged, with some loss of honour, to yield to the current, which bore so strongly against him.

THE

THE parliament framed an act, which was likely to produce considerable innovations in the government.

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They premised, that, whereas the great charter had, to the manifest peril and slander of the king and damage of his people, been violated in many points, particularly by the imprisonment of free men and the seizure of their goods, without suit, indictment or trial, it was necessary to confirm it anew, and to oblige all the chief officers of the law, together with the steward and chamberlain of the household, the keeper of the privy seal, the controller and treasurer of the wardrobe, and those who were entrusted with the education of the young prince, to swear to the regular observance of it. They also remarked, that the peers of the realm had formerly been arrested and imprisoned, and dispossessed of their temporalities and lands, and even some of them put to death, without judgment or trial; and they therefore enacted that such violences should henceforth cease, and no peer be punished but by the award of his peers *in parliament*. They required, that, whenever any of the great offices above-mentioned became vacant, the king should fill it by the advice of his council, and the consent of other great men, who should at that time be found to reside in the neighbourhood of the court. And they enacted, that on the third day of every session, the king should resume into his own hands all these offices, except those of justices of the two benches and the barons of exchequer; that the ministers should for the time be reduced to private persons; that they should in that condition answer before the parliament to any accusations brought against them; and that, if they were found any wise guilty, they should finally be dispossessed of their offices, and more able persons be substituted in their places^N. By these last regulations the barons approached as near as they dared to those restrictions, which had formerly been imposed on Henry III. and Edward II. and, which from the dangerous consequences attending them, had become so generally odious, that they did not expect to have either the concurrence of the people in demanding them, or the assent of the present king in granting them.

In return for these important concessions, the parliament proffered the king a grant of 20,000 sacks of wool; and

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and his wants were so urgent, from the clamours of his creditors, and the demands of his foreign allies, that he was obliged to accept of the supply on these hard conditions. He ratified this statute in full parliament; but he *secretly* entered a protest of such a nature as was sufficient, one should imagine, to destroy for the future all trust and confidence with his people: He declared, that, so soon as his convenience permitted, he would, from his own authority, revoke what had been extorted from him^o. Accordingly, he was no sooner possessed of the parliamentary supply, than he issued an edict, which contains many extraordinary positions and pretensions. He first asserts, that that statute had been enacted contrary to law; as if a free legislative body could ever do any thing illegal. He next affirms, that, as it was hurtful to the prerogatives of the crown which he was sworn to defend, he had only dissembled, when he seemed to ratify it, but that he had never in his own breast given his assent to it. He does not pretend, that either he or the parliament lay under any force; but only that some inconvenience would have ensued had he not seemingly given his assent to that pretended statute. He therefore, with the advice of his council and of *some* earls and barons, abrogates and annuls it; and tho' he professes himself willing and determined to observe such articles of it as were formerly law, he declares it to have thenceforth no force or authority^p. The parliaments, who were afterwards assembled, took no notice of this arbitrary exertion of royal power, which by a party of reason left all their laws at the mercy of the king; and during the course of two years, Edward had so far re-established his influence, and freed himself from his present necessities, that he then obtained from his parliament a legal repeal of the obnoxious statute^q. This transaction certainly contains remarkable circumstances, which discover the manners and sentiments of the age, and may prove what inaccurate work might be expected from

^o Statutes at large, 15 Edw. III. That this protest of the king's was *secret* appears evidently, since otherwise it would have been ridiculous in the parliament to have accepted of his assent: Besides the king owns that he *dissembled*, which would not have been the case, had his protest been public. ^p Statutes at large, 15 Edw. III. ^q Cotton's Abridgm. p. 38, 39.

from such rude hands, when employed in legislation, and in rearing the delicate fabric of laws and a constitution.

BUT tho' Edward had happily recovered his authority at home, which had been impaired by the events of the French war, he had undergone so many mortifications from that attempt, and saw so little prospect of success, that he would probably have dropped his claim, had not a revolution in Brittany opened to him more promising views, and given his enterprizing genius a full opportunity of displaying itself.

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JOHN III. duke of Brittany, had, some years before Affairs of his death, found himself declining thro' age and infirmities; and having no issue, he was solicitous to prevent those disorders, to which, on the event of his disease, a disputed succession might expose his subjects. His younger brother, the count de Penthievre, had left only one daughter, whom the duke deemed his heir; and as his family had inherited the duchy by a female succession, he thought her title preferable to that of the count de Mountfort, who, being his brother by a second marriage, was the male heir of that principality^a. He accordingly proposed to bestow her in marriage on some person, who might be able to defend her rights; and he cast his eye on Charles de Blois, nephew of the king of France, by his mother, Margaret de Valois, sister to that monarch. But as he both loved his subjects, and was beloved by them, he determined not to take this important step without their approbation; and having assembled the states of Brittany, he represented to them the advantages of that alliance, and the prospect, which it gave, of an entire settlement of the succession. The Bretons willingly concurred in his choice: The marriage was concluded: All his vassals, and, among the rest, the count de Mountfort, swore fealty to Charles and to his spouse, as to their future sovereigns: And every danger of civil commotions seemed to be obviated, as far as human prudence could provide a remedy against them.

BUT on the death of this good prince, the ambition of the count de Mountfort broke thro' all these regulations, and kindled a war, not only dangerous to Brittany, but to a great part of Europe. While Charles de Blois was soliciting at the court of France the investiture of the duchy,

^a Froissart, liv. 1. chap. 64.

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Renewal
of the
war with
France.

dutchy, Mountfort was active in acquiring immediate possession of it; and by force or intrigue he made himself master of Rennes, Nantz, Brest, Hennebonne, and all the most important fortresses, and engaged many considerable barons to acknowledge his authority^s. Sensible, that he could expect no favour from Philip, he made a voyage to England, on pretence of soliciting his claim to the earldom of Richmond, which had devolved to him by his brother's death; and, offering to do homage to Edward, as king of France, for the dutchy of Brittany, he proposed a strict alliance for the support of each other's pretensions. Edward saw immediately the advantages attending this treaty: Mountfort, an active and valiant prince, closely united to him by interest, opened at once an entrance into the heart of France, and afforded him much more flattering views, than his allies on the side of Germany and the Low Countries, who had no sincere attachment to his cause, and whose progress was also obstructed by those numerous fortifications, which had been raised on that frontier. Robert d'Artois was zealous in enforcing these considerations: The ambitious spirit of Edward was little disposed to sit down under those repulses, which he had received, and which, he thought, had so much injured his reputation: And it required a very short negotiation to conclude a treaty of alliance between two men; who, tho' their pleas with regard to the preference of male or female succession were directly opposite, were intimately connected by their immediate interests^t.

As this treaty was still a secret, Mountfort, on his return, ventured to appear at Paris, in order to defend his cause before the court of peers; but observing Philip and his judges to be prepossessed against his title, and dreading their intentions of arresting him, till he should restore what he had seized by violence, he suddenly made his escape; and war immediately broke out between him and Charles de Blois^u. Philip sent his eldest son, the duke of Normandy, with a powerful army to the assistance of the latter; and Mountfort, unable to keep the field against his rival, remained in the city of Nantz, where he was besieged. The city was taken by the treachery of the inhabitants: Mountfort fell into the hands of his enemies;

^s Froissart, liv. 1. chap. 65, 66, 67, 68.
liv. 1. chap. 69.

^u Ibid. chap. 70, 71.

^t Froissart,

mies; was conducted as a prisoner to Paris; and was shut up in the tower of the Louvre ^U. C H A P.
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THIS event seemed to put an end to the pretensions of the count de Mountfort; but his affairs were immediately retrieved by an unexpected incident, which inspired new life and vigour into his party. Jane of Flanders, countess of Mountfort, the most extraordinary woman of that age, was roused, by the captivity of her husband, from those domestic cares, to which she had hitherto limited her genius; and she courageously undertook to support the falling fortunes of her family. No sooner did she receive the fatal intelligence, than she assembled the inhabitants of Rennes, where she then resided; and carrying her infant son in her arms, deplored to them the calamity of their sovereign. She recommended to their care the illustrious orphan, the sole male remaining of their antient princes, who had governed them with such indulgence and lenity, and to whom they had ever professed such zealous attachment. She declared herself willing to run all hazards with them in so just a cause; discovered the resources which still remained in the alliance of England; and entreated them to make one effort against a usurper, who, being imposed on them by the arms of France, would in return make a sacrifice to his protector of the antient liberties of Brittany. The audience, moved by the affecting appearance, and inspirited by the noble conduct of the princess, vowed to live and die with her in defending the rights of her family: All the other fortresses of Brittany embraced the same resolution: The countess went from place to place, encouraging the garrisons, providing them with every necessary for subsistence, and concerting the proper plans of defence; and after she had put the whole province in a good posture, she shut herself up in Hennebonne, where she waited with impatience the arrival of those succours, which Edward had promised her. Mean while, she sent over her son to England, both that she might put him in a place of safety, and engage the king more strongly, by such a pledge, to embrace with zeal the interests of her family.

CHARLES DE BLOIS, anxious to make himself master of so important a fortress as Hennebonne, and still more to take the countess prisoner, from whose vigour and capacity

^U Ibid. chap. 73.

CHAP. capacity all the difficulties to his succession in Brittany
 XV. now proceeded, sat down before the place with a great
 army, composed of French, Spaniards, Genoese, and
 some Bretons; and he conducted the attack with indefatigable industry^w. The defence was no less vigorous: The besiegers were repulsed in every assault; Frequent sallies were made with success by the garrison: And the countess herself being the most forward in all military operations, every one was ashamed not to exert himself to the utmost in this desperate situation. One day she perceived, that the besiegers, entirely occupied in an attack, had neglected a distant quarter of their camp; and she immediately sallied forth at the head of a body of 200 cavalry, threw them into confusion, executed great slaughter upon them, and set fire to their tents, baggage and magazines: But when she was preparing to return, she found that she was intercepted, and that a great body of the enemy had thrown themselves between her and the gates. She instantly took her resolution; she ordered her men to disband, and to make the best of their way by flight to Brest. She met them at the appointed place of rendezvous, collected another body of 500 horse, returned to Hennebonne, broke unexpectedly thro' the enemies camp, and was received with shouts and acclamations by the garrison, who, encouraged by this reinforcement, and by so rare an example of female valour, determined to defend themselves to the last extremity.

THE reiterated attacks, however, of the besiegers, had at length made several breaches in the walls; and it was apprehended, that a general assault, which was every hour expected, would overpower the garrison, diminished in their numbers, and extremely weakened with watching and fatigue. It became necessary to treat of a capitulation; and the bishop of Leon was already engaged, for that purpose, in a conference with Charles de Blois, when the countess, who had mounted on a high tower, and was looking towards the sea with great impatience, descried some sails at a distance. She immediately exclaimed: *Behold the succours! the English succours! No capitulation^x!* This fleet carried a body of English gens d'armes, and six thousand archers, whom Edward had prepared for the relief of Hennebonne, but who had been long detained

^w Froissart, liv. i. chap. 81. ^x *Ibid.*

tained by contrary winds. They entered the harbour under the command of Sir Walter Manny, one of the bravest captains of England; and having inspired fresh courage into the garrison, immediately sallied forth, beat the besiegers from all their posts, and obliged them to decamp.

BUT notwithstanding this success, the countess of Mountfort found that her party, overpowered by numbers, were declining in every quarter; and she went over to solicit more effectual succours from the king of England. Edward granted her a considerable reinforcement under Robert d'Artois; who embarked his troops on board a fleet of forty-five ships, and sailed to Brittany. He was met in his passage by the enemy; an action ensued, where the countess behaved with her wonted valour, and charged the enemy sword in hand; but the fleets, after a sharp action, were separated by a storm, and the English arrived safely in Brittany. The first exploit of Robert d'Artois was the taking of Vannes, which he mastered by conduct and address ^Y: But he survived a very little time this prosperity. The Breton noblemen of the party of Charles assembled secretly in arms, attacked Vannes of a sudden, and carried the place; chiefly by reason of a wound received by Robert d'Artois, of which he soon after died at sea on his return to England ^Z.

AFTER the death of this unfortunate prince, the chief author of all the calamities, with which his country was overwhelmed for above a century, Edward undertook in person the defence of the countess of Mountfort; and as the last truce with France was now expired, the war, which the English and French had hitherto carried on as allies to the competitors for Brittany, was thenceforth conducted in the name and under the standard of the two monarchs. The king landed at Morbion near Vannes, with an army of 12,000 men; and being master of the field, he endeavoured to give a lustre to his arms, by commencing at once three important sieges, that of Vannes, of Rennes, and of Nantz. But by undertaking too much, he failed of success in all his enterprizes. Even the siege of Vannes, which Edward in person conducted with vigour, advanced but slowly ^A; and the French had all

^Y Froissart, liv. 1. chap. 93. ^Z Ibid. chap. 94. ^A Ibid. chap. 95.

CHAP. all the leisure requisite for making preparations against
 XV. him. The duke of Normandy, eldest son of Philip,
 appeared in Brittany at the head of an army of 30,000
 1342. infantry and 4000 cavalry; and Edward was now ob-
 liged to draw together all his forces, and to entrench him-
 self strongly before Vannes, while the duke of Normandy
 soon after arrived, and in a manner invested the besiegers.
 The garrison and the French camp were plentifully sup-
 plied with provisions; while the English, who dared to
 make no attempt upon the place in the presence of a su-
 perior army, drew all their subsistence from England,
 exposed to the hazards of the sea, and sometimes to those
 1343. arising from the fleet of the enemy. In this dangerous
 situation, Edward very willingly hearkened to the media-
 tion of the pope's legates, the cardinals of Palestrine and
 Frescati, who endeavoured to negotiate; if not a peace,
 at least a truce between the two kingdoms. A treaty was
 concluded for a cessation of arms during three years^B; and
 Edward had the ability, notwithstanding his present
 dangerous situation, to procure to himself very equal and
 honourable terms. It was agreed, that Vannes should be
 sequestered, during the truce, in the hands of the legates,
 to be disposed of afterwards as they pleased; and tho'^C
 Edward knew the partiality of the court of Rome towards
 his antagonist, he saved himself by this device from the
 dishonour of having undertaken a fruitless enterprize. It
 was also stipulated, that all prisoners should be released,
 that the places in Brittany should remain in the hands of
 the present possessors, and that the allies on both sides
 should be comprehended in the truce^C. Edward, soon
 after concluding this treaty, embarked with his army for
 England.

THE truce, though calculated for a long time, was of
 very short duration; and each monarch endeavoured to
 throw on the other the blame of its infraction. Of course,
 the historians of the two countries, differ in the account of
 the matter. It seems probable, however, as is affirmed
 by the French writers, that Edward, in consenting to the
 truce, had no other purpose than to extricate himself from
 a perilous situation, into which he had fallen, and was
 afterwards very careless of its observance. In all the me-
 morials

^B Ibid. chap. 99. Avesbury, p. 102. ^C Heming, p. 359.

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morials which remain on this subject, he complains chiefly of the punishment inflicted on Oliver de Clifton, Henry de Leon, and other Breton noblemen, who, he says, were partizans of the family of Mountfort, and consequently under the protection of England^D. But it appears from the history, that at the conclusion of the truce, those noblemen had openly, by their declarations and actions, embraced the cause of Charles de Blois^E; and if they had entered into any secret correspondence and engagements with Edward, they were traitors to their party, and were justly punishable by Philip and Charles, for their breach of faith; nor had Edward any just ground of complaint against France for such severities. But when he laid these pretended injuries before the parliament, whom he affected to consult on all occasions, that assembly entered into the quarrel, advised the king not to be amused by a fraudulent truce, and granted him supplies for the renewal of the war: The counties were charged with a fifteenth for two years, and the boroughs with a tenth. The clergy consented to give a tenth for three years.

1344.

THESE supplies enabled the king to complete his military preparations; and he sent his cousin, Henry earl of Derby, son of the earl of Lancaster, into Guienne, for the defence of that province^F. This prince, the most accomplished of the English court, possessed in a high degree the virtue of humanity as well as those of valour and conduct^G, and not content with protecting and cherishing the province committed to his care, he made a very successful invasion on the enemy. He attacked the count de Laille, the French general at Bergerac, beat him from his entrenchments, and took the place. He reduced a great part of Perigord, and continually advanced in his conquests, till the count de Laille, having collected an army

^D Rymer, vol. v. p. 453, 454, 459, 466, 496. Heming. p. 376. ^E Froissart, liv. 1. chap. 96. p. 100. ^F Froissart, liv. 1. chap. 103. Avesbury, p. 121. ^G It is reported of this prince, that, having once, before the attack of a town, promised the soldiers the plunder, one private man, happened to fall upon a great chest full of money, which he immediately brought to the earl, as thinking it too great for himself to keep possession of it. But Derby told him, that his promise did not depend on the greatness or smallness of the sum; and bid him keep it all for his own use.

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army of ten or twelve thousand men, sat down before Auberoche, in hopes of recovering that place, which had fallen into the hands of the English. The earl of Derby came upon him by surprize with only a thousand cavalry, true the French into disorder, pushed his advantages, and obtained a complete victory. De Laille himself, with many considerable nobles, was taken prisoner^H. After this important success, Derby made a rapid progress in subduing the French provinces. He took Monsegur, Monpessat, Villefranche, Miremont, and Tonnins, with the fortresses of Damassen. Aiguillon, a fortress deemed impregnable, fell into his hands from the cowardice of the governor. Angouleme was surrendered after a short siege. The only place, where he met with any resistance, was Reole, which, however, was at last reduced after a siege of above nine weeks^I. Having made an attempt on Blaye, he thought it more prudent to raise the siege, than waste his time, before a place of small importance^K.

1346.

THE reason why Derby was permitted without opposition to make such progress on the side of Guienne, was the difficulties under which the French finances then laboured, and which had obliged Philip to lay on new impositions, particularly the duty on salt, to the great discontent, and almost mutiny of his subjects. But after the court of France was supplied with money, great preparations were made; and the duke of Normandy, attended by the duke of Burgundy, and other great nobility, led towards Guienne a powerful army, which the English could not think of resisting in the open field. The earl of Derby stood on the defensive, and allowed the French to carry on at leisure the siege of Angouleme, which was their first enterprize. John lord Norwich, the governor, after a brave and vigorous defence, found himself reduced to extremities; and he was obliged to employ a stratagem, in order to save his garrison, and to prevent his being reduced to surrender at discretion. He appeared on the walls, and desired a parley with the duke of Normandy. The prince there told Norwich, that he supposed he intended to capitulate. "Not at all," replied the governor: "But as to-morrow is the feast of the Virgin, to whom, I know, that you, Sir, as well

" 25

^H Froissart, liv. 1. chap. 104.^I Ibid. chap. 110.^K Ibid. chap. 112.

“ as myself, bear a great devotion, I desire a cessation of arms for that day.” The proposal was agreed to; and Norwich, having ordered his forces to prepare all their baggage, marched out next day, and advanced towards the French camp. The besiegers, imagining they were to be attacked, ran to their arms; but Norwich sent a message to the duke, reminding him of his engagement. The duke, who piqued himself on the faithful observance of his word, exclaimed, *I see the governor has outwitted me: But let us be contented with gaining the place:* And the English were allowed to pass thro’ the camp unmolested^L. After some other successes, the duke of Normandy laid siege to Aiguillon; and as the natural strength of the fortress, together with a brave garrison under the command of the earl of Pembroke, and Sir Walter Manny, rendered it impossible to take the place by assault, he proposed, after making several fruitless attacks^M, to reduce it by famine: But before he could finish his enterprize, he was called to another quarter of the kingdom, by one of the greatest disasters, that ever befell the French monarchy^N.

EDWARD, informed by the earl of Derby of the great danger to which Guienne was exposed, had prepared a fleet and army, with which he intended in person to bring it relief. He embarked at Southampton on board a fleet of near a thousand sail of all dimensions; and carried with him, besides all the chief nobility of England, his eldest son the prince of Wales, now fifteen years of age. The winds proved long contrary^O; and the king, in despair of arriving in time at Guienne, was at last persuaded by Geoffry d’Harcourt, to change the destination of his enterprize. This nobleman was a Norman by birth, had long made a considerable figure in the court of France, and was generally esteemed for his personal merit and valour; but being disoblged and persecuted by Philip, he had fled over to England; had recommended himself to Edward, who was an excellent judge of men; and had succeeded to Robert d’Artois in the invidious office of exciting and assisting the king in every enterprize against his native country. He had long insisted, that an expedition to Normandy promised, in the present circumstances,

^L Froissart, liv. 1. chap. 120.

^M Ibid. chap. 121.

^N Ibid. chap. 134.

^O Avesbury, p. 123.

stances, much more favourable success, than one to Gu-
 XV. enne; that Edward would find the northern provinces
 much unfurnished of military force, which had been
 drawn to the south; that they were full of flourishing ci-
 ties, whose plunder would enrich the English; that their
 cultivated fields, as yet unspoiled by war, would supply
 them with plenty of provisions; and that the neighbour-
 hood of the capital rendered every event of importance,
 in those quarters^p. These reasons, which had not before
 been duly weighed by Edward, began to make more im-
 pression after the disappointments, which he had met with

12th July. in his voyage to Guienne: He ordered his fleet to sail to
 Normandy, and safely disembarked his army at la Hogue.

Invasion of France. THIS army, which was, during the course of the
 ensuing campaign, crowned with the most splendid suc-
 cess, consisted of four thousand men at arms, ten thou-
 sand archers, ten thousand Welsh infantry, and six thou-
 sand Irish. The Welsh and the Irish were light, dis-
 orderly troops, fitter for doing execution in a pursuit, or
 scouring the country, than for any stable action. The
 bow was always esteemed a frivolous weapon, where
 true military discipline was known, and regular bodies of
 well armed foot maintained. The only solid force in
 this army were the men at arms, and even these, being
 cavalry, were, on that account, much inferior, in the
 shock of battle, to good infantry: And as the whole
 were new levied troops, we are led to entertain a very
 mean idea of the military force of those ages, which,
 being ignorant in every other art, had not properly cul-
 tivated the art of war itself, the sole object of their at-
 tention.

THE king created the earl of Arundel constable of his
 army, and the earls of Warwic and Harcourt, mare-
 schals: He bestowed the honour of knighthood on the
 prince of Wales and several of the young nobility, im-
 mediately upon his landing. After destroying all the ships
 in la Hogue, Barfleur, and Cherbourg, he spread his
 army over the whole country, and gave them an un-
 bounded licence of burning, spoiling, and plundering
 every place, of which they became masters. The loose
 discipline then practised, could not be much hurt by these
 disorderly practices; and Edward took care to prevent
 any

^p Froissart; liv. i. chap. 421.

any surprize, by giving orders to his troops, however they might disperse themselves in the day time, always to quarter themselves at night near the main body. In this manner, Montebourg, Carentan, St. Lo, Valognes, and other places in the Cotentin were pillaged without resistance; and an universal consternation was spread over the whole province ^Q.

THE intelligence of this unexpected invasion soon reached Paris; and threw Philip into great perplexity. He issued orders, however, for levying forces in all quarters, and dispatched the count d'Eu, constable of France and the count de Tancarville, with a body of troops, to the defence of Caen, a populous and commercial but open city, which lay in the neighbourhood of the English army. The temptation of so rich a prize soon allured Edward to approach it; and the inhabitants, encouraged by their numbers, and by the re-inforcements which they daily received from the country, ventured against the advice of the constable, to meet him in the field. But their courage failed them on the first shock: They fled with precipitation: The counts d'Eu and Tancarville were taken prisoners: The victors entered the city along with the vanquished, and a furious massacre commenced, without distinction of age, sex, or condition. The citizens, in despair, barricadoed their houses, and assaulted the English with stones, bricks, and every missile weapon: The English made way by fire to the destruction of the citizens: Till Edward, anxious to save both his spoil and his soldiers, stopped the massacre; and having obliged the inhabitants to lay down their arms, gave his troops licence to begin a more regular and less hazardous plunder of the city. The pillage continued for three days: The king reserved for his own share the jewels, plate, silks, fine cloth, and fine linen; and he bestowed all the remainder of the spoil on his army. The whole was embarked on board the ships, and sent over to England; together with three hundred of the richest citizens of Caen, whose ransom was an additional profit, which he expected afterwards to levy ^R. This dismal scene passed in the presence of two cardinal legates, who had come to negotiate a peace between the kingdoms.

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A a

THE

^Q Froissart, liv. 1. chap. 122.^R Froissart, liv. 1. chap.

THE king moved next to Rouen in hopes of treating that city in the same manner; but found, that the bridge over the Seine was already broken down, and that the king of France himself was arrived there with his army. He marched along the banks of that river towards Paris, destroying the whole country, and every town and village, which he met with on his road^s. Some of his light troops carried their ravages even to the gates of Paris; and the loyal palace of St. Germans, together with Nanterre, Ruelle, and other villages, was reduced to ashes within sight of that capital. The English proposed to pass the river at Poissy, but found the French army encamped on the opposite banks, and the bridge at that place, as well as all others upon the Seine, broken down by orders from Philip. Edward now saw, that the French intended to enclose him in their country, in hopes of attacking him with advantage on all sides: But he saved himself by a stratagem from this perilous situation. He gave his army orders to dislodge, and to advance farther up the Seine; but immediately returning by the same road, arrived at Poissy, which the enemy had already quitted, in order to attend his motions. He repaired the bridge with incredible celerity, passed over his army, and having thus disengaged himself from the enemy, advanced by quick marches towards Flanders. His vanguard, commanded by Harcourt, met with the townsmen of Amiens, who were hastening to reinforce their king, and defeated them with great slaughter^t: He passed by Beauvais, and burned the suburbs of that city: But as he approached the Somme, he found himself in the same difficulty as before: All the bridges on that river were either broken down, or strongly guarded: An army, under the command of Godemar de Faye, was stationed on the opposite banks; Philip was advancing on him from the other quarter, with an army of an hundred thousand men: And he was thus exposed to the danger of being enclosed, and of starving in an enemy's country. In this extremity, he published a reward to any one, that could bring him intelligence of a passage over the Somme. A peasant, called Gobin Agace, whose name has been preserved by the share which he had in these important transactions, was tempted on this occasion to betray

^s Froissart, liv. i. chap. 125.

^t Ibid.

tray the interests of his country; and he informed Edward of a ford below Abbeville, which had a sound bottom, and might be passed without difficulty at low water^U. The king hastened thither, but found Godemar de Fraye on the opposite banks. Being urged by necessity, he deliberated not a moment; but threw himself into the river, sword in hand, at the head of his troops; drove the enemy from their station; and pursued them to a distance on the plain^W. The French army under Philip, arrived at the ford, when the rearguard of the English were passing. So narrow was the escape, which Edward, by his prudence and celerity, made from this danger! The rising of the tide prevented the French king from following him over the ford, and obliged that prince to take his road over the bridge at Abbeville; by which some time was lost.

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It is natural to think, that Philip, at the head of so vast an army, was impatient to take revenge of the English, and to prevent the disgrace to which he must be exposed, if an inferior enemy should be allowed, after ravaging so great a part of his kingdom, to escape with impunity. Edward also was sensible, that such must be the object of the French monarch; and as he had advanced but a little way before his enemy, he saw the danger of precipitating his march over the plains of Picardy, and of exposing his rear to the insults of the numerous cavalry, in which the French camp abounded. He took therefore a very prudent resolution: He chose his ground with advantage near the village of Crecy; he disposed his army in excellent order; he determined to await in tranquillity the arrival of the enemy; and he hoped, that their eagerness to engage, and to prevent his retreat, after all their past disappointments, would hurry them on to some rash and ill-concerted action. He drew up his army on a gentle ascent, and divided them into three lines: The first was commanded by the prince of Wales, and, under him, by the earls of Warwic and Oxford, by Harcourt, and by the lords Chandos, Holland, and other noblemen: The earls of Arundel and Northampton, with the lords Willoughby, Bassiet, Roos, and Sir Lewis Tustot, were at the head of the second line: He took on himself the command of the third division, by which he

Battle of
Crecy.
26th Aug.

A a 2

proposed

^U Ibid. chap. 126, 127.

^W Ibid. chap. 127.

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proposed either to bring succour to the two first lines, or to secure a retreat in case of any misfortunes, or to push his advantages against the enemy. He had likewise the precaution to throw up trenches on his flank, in order to secure himself from the numerous bodies of the French, who might assail him from that quarter; and he placed all his baggage behind him in a wood, which he also secured by an intrenchment^x.

THE skill and order of this disposition, with the tranquillity in which it was made, served extremely to compose the minds of the soldiers; and the king, that he might farther inspirit them, rode thro' their ranks with such an air of cheerfulness and alacrity in his countenance, as conveyed the highest confidence into every beholder. He pointed out to them the necessity, to which they were reduced, and the certain and inevitable destruction which awaited them, if, in their present situation, enclosed on all hands in an enemy's country, they trusted to any thing but their own valour, or gave that enemy an opportunity of taking revenge for the many insults and indignities, which they had of late put upon him. He reminded them of the apparent superiority which they had hitherto maintained over all the bodies of French troops that had fallen in their way; and assured them, that the greater numbers of the army, which at present hovered over them, gave them not greater force, but was an advantage easily compensated by the order, in which he had placed his own army, and the resolution which he expected from them. He demanded nothing, he said, but that they would imitate his own example, and that of the prince of Wales; and as the honour, the lives, the liberties of all, were now exposed to the same danger, he was confident, that they would make one common effort to extricate themselves from the present difficulties, and that their united courage would give them the victory over all their enemies.

It is related by some historians^y, that Edward, besides, the resources, which he found in his own genius and presence of mind, employed also a new invention against the enemy, and placed in his front some pieces of

^x Froissart, liv. 1. chap. 128.

^y Jean Villani, lib. 12.

cap. 66.

of artillery, the first which had yet been made use of on any remarkable occasion in Europe. This is the epoch of one of the most singular discoveries; which has been made among men; and which changed by degrees the whole art of war, and by consequence many circumstances in the political government of Europe. But the ignorance of that age, in the mechanical arts, rendered the progress very slow of this new invention. The artillery first framed, were so clumsy and of such difficult management, that men were not immediately sensible of their use and efficacy: And even to the present times, improvements have been continually making on this furious engine, which, tho' it seemed contrived for the destruction of mankind; and the overthrow of empires, has in the issue rendered war much less bloody, and has given greater stability to civil societies. Nations, by its means, have been brought more to a level: Conquests have become less frequent and rapid: Success in war has been reduced nearly to be a matter of calculation: And any nation, overmatched by its enemy, either yields to their demands, or secures itself by alliances against their violence and invasion.

THE invention of artillery was at this time known in France as well as in England²; but Philip, in his hurry to overtake the enemy, had probably left his cannon behind him, which he regarded as an useless incumbrance. All his other movements discovered the same imprudence and precipitation. Impelled by anger, a dangerous counsellor, and trusting to the great superiority of his numbers, he thought that all depended on forcing an engagement with the English, and that, if he could once reach the enemy in their retreat, the victory on his side was certain and inevitable. He made a hasty march in great disorder from Abbeville; but after he had advanced above two leagues, some gentlemen, whom he had sent before to take a view of the enemy, returned to him, and brought him intelligence, that they had seen the English drawn up in excellent order, and awaiting his arrival. They therefore advised him to defer the combat till the ensuing day, when his army would have recovered from their fatigue, and might be disposed into better order, than their present hurry had permitted them to observe.

Philip

² Du Cange Gloss. in verb. *Bombarda*.

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Philip assented to this council; but the former precipitation of his march, and the impatience of the French nobility, made it impracticable for him to put it in execution. One division pressed upon another: Orders to stop were not seasonably conveyed to all of them: This immense body was not governed by sufficient discipline to be manageable: And the French army, very imperfectly formed into three lines, arrived, already fatigued and disordered, in presence of the enemy. The first line, consisting of 15,000 Genoese cross-bow men, was commanded by Anthony Doria, and Charles Grimaldi: The second was led by the count d'Alençon, brother to the king: The king himself was at the head of the third. Besides the French monarch, there were no less than three crowned heads in this engagement: The king of Bohemia, the king of the Romans, his son, and the king of Majorca; with all the nobility and great vassals of the crown of France. The army now consisted of above 120,000 men, near four times the number of the enemy. But the prudence of one man was superior to the advantage of all this force and splendor.

THE English, on the approach of the enemy, kept their ranks firm and immoveable; and the Genoese first began the attack. There had happened, a little before the engagement, a thunder shower, which had moistened and relaxed the strings of the Genoese cross-bows; and their arrows for this reason fell short of the enemy. The English archers, taking their bows out of their cases, poured in a shower of arrows upon this multitude who were opposed to them; and soon threw them into disorder. The Genoese fell back upon the gens d'armes of the count d'Alençon^A; who, enraged at their cowardice, ordered his troops to put them to the sword. The artillery fired amidst the crowd; the English archers still continued to send their arrows among them; and nothing was to be seen in that vast body but hurry and confusion, terror and dismay. The young prince of Wales had the presence of mind to take advantage of this situation, and to lead on his line to the charge. The French cavalry, however, recovering somewhat their order, and encouraged by the example of their leaders, made stout resistance and having at least cleared themselves of the Genoese

^A Froissart lib. 10. chap. 1300. 1301. 1302.

ese runaways, advanced upon their adversaries, and by their superior numbers began to hem them round. The earls of Arundel and Northampton advanced their line to sustain the prince, who, ardent in his first feats of arms, set an example of valour, which was imitated by all his followers. The battle became for some time hot and dangerous, and the earl of Warwic, apprehensive of the event from the superior numbers of the French, dispatched a message to the king, and entreated him to send succours to the relief of the prince. Edward had chosen his station on the top of the hill; and he surveyed in tranquillity the scene of action. When the messenger accosted him, his first question was, whether the prince was slain or wounded. On receiving an answer in the negative, *Return*, said he, *to my son, and tell him that I reserve the honour of this day to him: I am confident that he will shew himself worthy of the honour of knighthood, which I so lately conferred upon him: He will be able without my assistance to repel the enemy*^B. This speech, being reported to the prince and his attendants, inspired them with new courage: They made an attack with redoubled vigour on the French, in which the count d'Alençon was slain: That whole line of cavalry was thrown into disorder: The riders were killed or dismounted: The Welsh infantry rushed into the throng, and with their long knives cut the throats of all who had fallen; nor was any quarter given that day by the victors^C.

THE king of France advanced in vain with the rear to sustain the line commanded by his brother: He found them already discomfited; and the example of their rout increased the confusion, which was before too prevalent in his own body. He had himself a horse killed under him: He was remounted; and tho' left almost alone, he seemed still determined to maintain the combat; when John de Hainault seized the reins of his bridle, turned about his horse, and carried him off the field of battle. The whole French army took to flight, and were followed and put to the sword without mercy by the enemy; till the darkness of night put an end to the pursuit. The king, on his return to the camp; flew into the arms of the prince of Wales, and exclaimed: *My brave son: Persevere*

^B Froissart, liv. i. chap. 130.^C Ibid.

CHAP. *severe in your honourable course: You are my son; for valiantly have you acquitted yourself to day: You have shewn yourself worthy of empire*^D.

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THIS battle, which is known by the name of the battle of Crécy, began after three o'clock in the afternoon, and continued till evening. The next morning was foggy; and as the English observed, that many of the enemy had lost their way in the night and in the mist, they employed a stratagem to bring them into their power: They erected on the eminences some French standards which they had taken in the battle; and all, who were allured by this false signal, were put to the sword, and no quarter given them. In excuse for this inhumanity, it was alledged that the French king had given out like orders to his troops; but the real reason probably was, that the English, in their present situation, did not care to be encumbered with prisoners. On the day of battle, and on the ensuing, there fell, by a moderate computation, 1200 knights, 1400 gentlemen, 4000 men at arms, besides about 30,000 men of inferior rank^E. Many of the principal nobility of France, the dukes of Lorraine and Bourbon, the earls of Flanders, Blois, Harcourt, Vaudemont, Aumale, were left on the field of battle. The kings also of Bohemia and Majorca were slain: The fate of the former was remarkable: He was blind from age; but being resolved to hazard his person, and set an example to others, he ordered the reins of his bridle to be tied on each side to the horses of two gentlemen of his train; and his dead body, and those of his attendants, were afterwards found among the slain, with their horses standing by them in that situation^F. His crest was three ostrich feathers; and his motto these German words, *Ich dien, I serve*: Which the prince of Wales and his successors adopted in memorial of this great victory. The action may seem no less remarkable for the small loss sustained by the English than for the great slaughter of the French: There were killed in it only one esquire and three knights^G, and very few of inferior rank; a demonstration, that the prudent disposition made by Edward, and the disorderly attack of the French, had ren-

^D Froissart, liv. 1. chap. 131.
p. 2588.

^E Ibid. Knyghton, p. 166.

^F Froissart, liv. 1. chap. 130. Walsingham, p. 2588.

^G Knyghton, p. 2588.

rendered the whole rather a rout than a battle, which was indeed the common case with engagements in those times. CHAP.
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THE great prudence of Edward appeared not only in obtaining this memorable victory, but in the measures, which he pursued after it. Not elated by his present prosperity so far as to expect the total conquest of France, or even that of any considerable provinces; he proposed only to secure an easy entrance into that kingdom, which might afterwards open the way to more moderate advantages. He knew the extreme distance of Guienne: He had experienced the difficulty and uncertainty of penetrating on the side of the Low Countries, and had already lost much of his authority over Flanders by the death of d'Arteville, who had been murdered by the populace themselves, his former partizans, on his attempting to transfer the sovereignty of that province to the prince of Wales^F. The king, therefore, limited his ambition to the conquest of Calais; and after the interval of a few days, which he employed in interring the slain, he marched with his victorious army, and presented himself before that place.

JOHN DE VIENNE, a valiant knight of Burgundy, was governor of Calais, and being supplied with every thing necessary for defence, he encouraged the townsmen to perform to the utmost their duty to their king and country. Edward therefore, sensible from the beginning, that it was in vain to attempt the place by force, proposed only to reduce it by famine: He chose a secure station for his camp; drew entrenchments around the whole city; raised huts for his soldiers, which he covered with straw or broom; and provided his army with all conveniences, to make them endure the winter season, which was approaching. As the governor soon perceived his intention, he put out all the useless mouths, and the king had the generosity to allow these unhappy people to pass thro' his camp, and he even supplied them with money for their journey^G.

WHILE Edward was employed in this siege, which continued near a twelvemonth, there passed in different places many

^F Froissart, liv. i. chap. 116.^G Froissart, liv. i. chap.

CHAP. many other events^a, and all to the honour of the English arms.

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THE retreat of the duke of Normandy from Guienne left the earl of Derby master of the field; and he was not negligent in making his advantage of the superiority. He took Mirebeau by assault: He made himself master of Lusignan in the same manner: Taillebourg and St. Jean de Angeli fell into his hands: Poitiers opened its gates to him; and Derby having thus broken down all the frontiers on that quarter, carried his incursions to the banks of the Loire, and filled that quarter of France with horror and devastation^b.

THE flames of war were at the same time kindled in Brittany. Charles de Blois invaded that province with a considerable army, and invested the fortress of Roche de Rien; but the countess of Mountfort, reinforced by some English troops under Sir Thomas Dagworth, attacked him during the night in his entrenchments, dispersed his army, and took himself prisoner^c. His wife, by whom he enjoyed his pretensions to Brittany, compelled by the present necessity, took on her the government of the party, and proved herself a rival in every shape and an antagonist to the countess of Mountfort, both in the field and in the cabinet. And while these heroic dames presented this extraordinary scene to the world, another princess in England, of still higher rank, shewed herself no less capable of exerting every manly virtue.

War with
Scotland.

THE Scottish nation, after long supporting, with incredible perseverance, their liberties against the superior force of the English, recalled their king, David Bruce, in 1342. Tho' that prince, neither by his age nor capacity, could bring them great assistance, he gave them the countenance of sovereign authority; and as Edward's wars with France proved a great diversion to his forces, they rendered the balance more equal between the two kingdoms. In all the truces which Edward concluded with Philip, the king of Scotland was comprehended; and when Edward made his last invasion upon France, David was strongly solicited by his ally to break also the truce, and to invade the northern counties of England. The nobility of his nation being always forward in such incur-

^a Froissart, liv. 1. chap. 136. ^c Ibid. chap. 143. Walsingham, p. 168. Ypod. Neust. p. 517, 518.

incursions, David soon mustered a great army, entered Northumberland at the head of above 50,000 men, and carried his ravages and devastations to the gates of Durham^K. But queen Philippa, assembling a body of little more than 12,000 men^L, which she entrusted to the command of lord Piercy, ventured to approach him at 17th Oct. Neville's Cross near that city; and riding thro' the ranks of the army, exhorted every man to do his duty, and to take revenge on these barbarous ravagers^M: Nor could she be persuaded to leave the field, till the armies were on the point of engaging. The Scots have been often unfortunate in the great pitched battles which they fought with the English; and that tho' they commonly declined such engagements where the superiority of numbers was not on their side: But never did they receive a more fatal blow than the present. They were broken and chased off the field: Fifteen thousand of them, some historians say twenty thousand, were slain; among whom were Edward Keith, earl Marshal, and Sir Thomas Charteries, chancellor: And the king himself was taken prisoner, with the earls of Southerland, Fief, of the Monteith, Carric, lord Douglas, and many other noble-men^N. C H A P. XV. 1346.

PHILIPPA, having secured her royal prisoner in the tower^O, crossed the sea at Dover; and was received in the English camp before Calais with all the triumph, which was due to her rank, her merit, and her success. This age was the reign of chivalry and gallantry: Edward's court excelled in these accomplishments as much as in policy and arms: And if any thing could justify the obsequious devotion then professed to the fair sex, it must be the appearance of such extraordinary women as shone forth during that period.

THE town of Calais had been defended with remarkable vigilance, constancy and bravery by the townsmen, during a siege of unusual length: But Philip, informed of their distressed condition, determined at last to attempt their relief; and he approached the English with an immense army, which the writers of that age make amount to 200,000 men. But he found Edward so surrounded 1347. Calais taken.

^K Froissart, liv. i. chap. 137.
^N Ibid. chap. 139.
 P. 537.

^L Ibid. chap. 138.
^O Rymer, vol. v.

CHAP. ed with morasses, and secured by entrenchments, that
 XV. without running on inevitable destruction, he concluded
 it impossible to make an attempt on the English camp.

1347. He had no other resource than to send his rival a vain
 challenge to meet him in the open field; which being
 refused, he was obliged to decamp with his army, and
 disperse them into their several provinces^P.

JOHN DE VIENNE, the governor of Calais, now saw
 the necessity of surrendering his fortress, which was re-
 duced to the last extremity by famine and the fatigue of
 the inhabitants. He appeared on the walls, and made a
 signal to the English sentinels that he desired a confer-
 ence. Sir Walter Manny was sent to him by Edward.
 "Brave knight," cried the governor, "I have been in-
 trusted by my sovereign with the command of this
 town: It is almost a year since you besieged me;
 and I have endeavoured, as well as those under me,
 to do our duty. But you are acquainted with our pre-
 sent condition: We have no hopes of relief; we are
 perishing with hunger; I am willing therefore to sur-
 render, and desire, as the sole condition, to ensure
 the lives and liberties of these brave men, who
 have so long shared with me every danger and fa-
 tigue^Q."

MANNY replied, that he was well acquainted with
 the king of England's intentions; that that prince was
 incensed against the townsmen of Calais for their perti-
 nacious resistance, and for the evils which they had made
 him and his subjects suffer; that he was determined to
 take exemplary vengeance of them; and would not re-
 ceive the town on any condition which should confine
 him in the punishment of these offenders. "Con-
 sider," replied Vienne, "that this is not the treatment to
 which brave men are intitled: If any English knight
 had been in my situation, your king would have
 expected the same conduct from him. The inhabi-
 tants of Calais have done for their sovereign what
 merits the esteem of every prince; much more of so
 gallant a prince as Edward. But I inform you, that,
 if we must perish, we shall not perish unrevenged;
 and that we are not yet ~~so~~ reduced, but we can sell
 "our

^P Froissart, liv. 1. chap. 144, 145. Avelbury, p. 161,
 162. ^Q Froissart, liv. 1. chap. 146.

“ our lives at a high price to the victors. It is the interest of both sides to prevent these desperate extremities; and I expect, that you yourself brave knight, will interpose your good offices with your prince in our behalf.”

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MANNY was struck with the justness of these sentiments, and represented to the king the danger of reprisals, if he should give such treatment to the inhabitants of Calais. Edward was at last persuaded to mitigate the rigor of the conditions demanded: He only insisted, that six of the most considerable citizens should be sent him to be disposed of as he thought proper; that they should come to his camp carrying the keys of the city in their hands, bareheaded and barefooted, with ropes about their necks: And on these conditions, he promised to spare the lives of all the remainder^s.

WHEN this intelligence was conveyed to Calais, it struck the inhabitants with new consternation. To sacrifice six of their fellow citizens to certain destruction, for signalizing their valour in a common cause, appeared to them even more severe than that general punishment, with which they were before threatened; and they found themselves incapable of coming to any resolution in so cruel and distressful a situation. At last one of the principal inhabitants called Eustace de St. Pierre, whose name deserves to be recorded, stepped forth, and declared himself willing to encounter death for the safety of his friends and companions: Another, animated by his example, made a like generous offer: A third and a fourth presented themselves to the same fate; and the whole number required was soon compleated. These six heroic burghesses appeared before Edward in the guise of malefactors, laid at his feet the keys of their city, and were ordered to be led to execution. It is surprizing, that so generous a prince should have entertained such a barbarous purpose against such men; and still more that he should seriously persist in the resolution of executing it^T.

But

^s Froissart, liv. 1. chap. 146. ^T This story of the six burghers of Calais, like all other extraordinary stories, is somewhat to be suspected; and so much the more as Avelbury, p. 167, who is particular in his narration of the surrender of Calais, says nothing of it; and on the contrary extols in general the king's generosity and lenity to the inhabitants.

CHAP. But the entreaties of his queen saved his memory from
 XV. that infamy: She threw herself on her knees before him,
 and with tears in her eyes begged the lives of these citi-
 1347. zens. Having obtained her request, she carried them
 into her tent, ordered a repast to be set before them,
 and after making them a present of money and cloaths
 dismissed them in safety ^U.

4th Aug. THE king took possession of Calais; and immediately
 executed an act of rigor, more justifiable because more
 necessary, than that which he had before resolved on. He
 knew that, notwithstanding his pretended title to the crown
 of France, every Frenchman regarded him as a mortal
 enemy; and he therefore ordered all the inhabitants of
 Calais to evacuate the town, and he peopled it anew with
 English; a policy which probably preserved so long to
 his successors the dominion of that important fortress.
 He made it the staple of wool, leather, tin, and lead;
 the four chief, if not the sole commodities of the king-
 dom, for which there was any considerable demand
 in foreign markets. All the English were obliged to bring
 thither these goods: Foreign merchants came to the same
 place in order to purchase them: And at a period, when
 posts were not established, and when the communication
 between states was so imperfect, this institution, tho' it
 hurt the navigation of England, was perhaps of advan-
 tage to the kingdom.

THRO' the mediation of the pope's legates, Edward
 concluded a truce with France; but even during this ces-
 sation of arms he had very nearly lost Calais, the sole
 fruit of all his boasted victories. The king had entrusted
 that place to the command of Aimery de Pavie, an Italian,
 who had discovered bravery and conduct in the wars,
 but was utterly devoid of every principle of honour and
 fidelity. This man agreed to deliver up Calais for the
 sum of 20,000 crowns; and Geoffrey de Charni, who
 commanded the French forces in those quarters, and who
 knew, that, if he succeeded in this service, he should not
 be disfavoured, ventured, without consulting his master,
 to conclude the bargain with him. Edward, informed
 of this treachery, by means of Aimery's secretary, sum-
 moned the governor to London on other pretences; and
 having charged him with the guilt, promised him his life,
 but

to F.

U. 11.

^U Froissart, liv. i. chap. 146.

but on condition, that he would turn the contrivance to the destruction of the enemy. The Italian easily agreed to this double treachery. A day was appointed for the admission of the French; and Edward, having prepared a force of about a thousand men, under Sir Walter Manny, secretly departed from London, carrying with him the prince of Wales; and without being suspected, arrived the evening before at Calais. He made a proper disposition for the reception of the enemy; and kept all his forces and the garrison under arms. On the appearance of Charni, a chosen troop of French soldiers was admitted at the postern, and Aimery, receiving the stipulated sum, promised, that with their assistance he would immediately open the great gate to the army, who were waiting with impatience for the fulfilling of his engagement. All the French, who entered, were immediately slain or taken prisoners: The great gate opened: Edward rushed forth with cries of battle and of victory: The French, tho' astonished at the event, behaved with valour: A fierce and bloody engagement ensued. As the morning broke, the king, who was not distinguished by his arms, and who fought as a private man under the standard of Sir Walter Manny, remarked a French gentleman, called Eustace de Ribaultmont, who exerted himself with singular vigour and bravery; and he was seized with a desire of trying a single combat with him. He stepped forth from his troop, and challenging Ribaultmont by name, (for he was known to him) began a sharp and dangerous encounter. He was twice beat to the ground by the valour of the Frenchman: He twice recovered himself: Blows were redoubled with equal force on both sides: The victory was long undecided: Till Ribaultmont, perceiving himself to be left almost alone, called out to his antagonist, *Sir knight, I yield myself your prisoner*; and at the same time delivered his sword to the king. Most of the French, being overpowered by numbers, and intercepted in their retreat, were either slain or taken prisoners^w.

THE French officers who had fallen into the hands of the English, were conducted into Calais; where Edward discovered to them the antagonist with whom they had had the honour to be engaged, and treated them with great

^w Froissart, liv. 1. chap. 140, 141, 142.

CHAP. great regard and courtesy. They were admitted to sup
 XV. with the prince of Wales, and the English nobility ; and
 after supper, the king himself came into the apartment,
 and went about, conversing familiarly with one or other
 of his prisoners. He even addressed himself in an oblig-
 ing manner to Charni, and avoided reproaching him with
 the treacherous attempt, which he had made upon Calais
 during the truce : But he openly bestowed the highest
 encomiums on Ribaultmont ; called him the most valor-
 ous knight whom he had ever been acquainted with ; and
 confessed, that he had at no time been in so great danger
 as when engaged in combat with him. He then took a
 string of pearl, which he wore about his own head, and
 throwing it over the head of Ribaultmont, he said to him,
 " Sir Eustace, I bestow this present upon you, as a tes-
 timony of my esteem for your bravery : And I desire
 you to wear it a year for my sake : I know you to
 be gay and amorous ; and to take delight in the
 company of ladies and damsels : Let them all know
 from what hand you had the present : You are no lon-
 ger a prisoner ; I acquit you of your ransom ; and you
 are at liberty to-morrow to dispose of yourself as you
 think proper."

NOTHING can more evidently prove the vast supe-
 riority assumed by the nobility and gentry above all the
 other orders of men during those ages, than the extreme
 difference which Edward made in his treatment of these
 French knights, and that of the six citizens of Calais,
 who had exerted more signal bravery in a cause more
 justifiable and more honourable.

CHAP.

C H A P. XVI.

E D W A R D III.

Institution of the garter—State of France—Battle of Poitiers—Captivity of the king of France—State of that kingdom—Invasion of France—Peace of Bretigni—State of France—Expedition into Castile—Rupture with France—Ill success of the English—Death of the prince of Wales—Death—and character of the king—Miscellaneous transactions in this reign.

THE prudent conduct and great success of Edward in his foreign wars had excited a strong emulation and a military genius among the English nobility; and these turbulent barons, over awed by the crown, gave now a more useful direction to their ambition, and attached themselves to a prince, who led them to the acquisition of glory and of riches. That he might further promote the spirit of emulation and obedience, the king instituted the order of the garter, in imitation of some orders of a like nature, religious as well as military, which had been established in different countries of Europe. The number received into this order consisted of twenty-four persons besides the sovereign; and as it has never been enlarged, this badge of distinction continues as honourable as at its first institution, and is still a valuable, tho' a cheap, present, which the prince can confer on his greatest subjects. A vulgar story prevails, but is not supported by any antient authority, that, at a court-ball, Edward's mistress, commonly supposed to be the countess of Salisbury, dropt her garter; and the king, taking it up, observed some of the courtiers to smile, as if they thought, that he had not obtained this favour merely by accident: Upon which he called out, *Honi soit qui mal y pense*, Evil to him that evil thinks; and as every incident of gallantry among these antient warriors was magnified into a matter of great importance^z, he

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Institution of the Garter.

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B b

instituted

^z There was a singular instance about this time of the prevalence of chivalry and gallantry in the nations of Europe.

A solemn

instituted the order of the garter in memorial of this event, and gave these words as the motto of the order. This origin, tho' frivolous, is not unsuitable to the manners of the times; and it is indeed difficult by any other means to account either for the seemingly unmeaning terms of the motto, or for the peculiar badge of the garter, which seems to have no reference to any purpose either of military use or ornament.

BUT a sudden damp was thrown over this festivity and triumph of the court of England, by a destructive pestilence, which invaded that kingdom as well as the rest of Europe; and is computed to have swept away near a third of the inhabitants in every country, which it attacked. It was probably more fatal in great cities than in the country; and above fifty thousand souls are said to have perished by it in London alone ^A. This malady discovered itself first in the north of Asia, was spread over all that country, made a progress from one end of Europe to another, and sensibly depopulated every state thro' which it passed. So grievous a calamity, more than any cordiality among the princes, served to maintain and prolong the truce between France and England.

DURING this truce, Philip de Valois died without being able to re-establish the affairs of France, which his
bad

A solemn duel of thirty knights against thirty was fought between Benbrough, an Englishman, and Beaumonoir, a Breton, of the party of Charles de Blois. The knights of the two nations came into the field; and before the combat began, Beaumonoir called out, that it would be seen that day *who had the fairest mistresses*. After a bloody combat the Bretons prevailed; and gained for their prize, full liberty to boast of their mistresses beauty. It is remarkable, that two such famous generals as Sir Robert Knolles, and Sir Hugh Calverley, drew their swords in this ridiculous contest. See Pere Daniel, vol. ii. p. 536, 537, &c. The women not only instigated the champions to these rough, if not bloody frays of tournament; but also frequented the tournaments during all the reign of Edward, whose spirit of gallantry encouraged this practice. See Knyghton, p. 2597.

^A Stowe's Survey, p. 478. There were buried 50,000 bodies in one church-yard, which Sir Walter Manny had bought for the use of the poor. The same author says, that there died above 50,000 persons of the plague in Norwich, which is quite incredible.

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bad success against England had thrown into the most extreme disorder. This monarch, during the first years of his reign, had obtained the appellation of *fortunate*, and acquired the character of prudent; but he ill maintained either the one or the other; less from his own fault, than because he was overmatched by the superior fortune and superior genius of Edward. But the incidents in the reign of his son, John, gave the French nation reason to regret even the calamitous times of his predecessor. John was distinguished by many virtues, particularly a scrupulous honour and fidelity: He was not deficient in personal courage: But as he wanted that masterly prudence and foresight, which his difficult situation required, his kingdom was at the same time convulsed by intestine commotions, and oppressed with foreign wars. The chief source of all its calamities, was Charles king of Navarre, who received the epithet of the *State of bad or wicked*, and whose actions fully entitled him to that appellation. This prince was descended from males of the blood royal of France; his mother was a daughter of Lewis Hutin; he had himself espoused a daughter of king John: But all these ties, which ought to have connected him with the throne, gave him only greater ability to shake and overthrow it. In his personal qualities, he was courteous, affable, engaging, eloquent; full of insinuation and address; inexhaustible in his resources; active and enterprising. But these splendid accomplishments were at the same time attended with such defects, as rendered them pernicious to his country, and even ruinous to himself: He was fickle, inconstant, faithless, revengeful, malicious: Restrained by no principle or duty: Insatiable in his pretensions: And whether successful or unfortunate in one enterprize, he immediately undertook another, in which he was never deterred from employing the most criminal and most dishonourable expedients.

THE constable d'Eu, who had been taken prisoner by Edward at Caen, recovered his liberty, on the promise of delivering to that prince, as his ransom, the town of Ghisnes, near Calais, of which he was superior lord: But as John was offended at this stipulation, which, if fulfilled, opened still farther that frontier to the enemy, and as he suspected the constable of more dangerous con-

B b 2

nexions

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nexions with the king of England, he ordered him to be seized, and without any legal or formal trial, put him to death in prison. Charles de la Cerda was appointed constable in his place; and had a like fatal end: The king of Navarre ordered him to be assassinated; and such was the weakness of the crown, that this prince, instead of dreading punishment, would not so much as agree to ask pardon for his offence, but on condition, that he received an accession of territory: And he had also John's second son put into his hands, as a security for his person, when he came to court, and performed this act of mock penitence and humiliation before his sovereign^B.

1355.

THE two French princes seemed entirely reconciled; but this dissimulation, to which John submitted from necessity, and Charles from habit, did not long continue; and the king of Navarre knew, that he had reason to apprehend the most severe vengeance for the many crimes and treasons which he had already committed, and the still greater, which he was meditating. To ensure himself of protection, he entered into a secret correspondence with England, by means of Henry earl of Derby, now earl of Lancaster, who at that time was employed in fruitless negotiations for peace in Avignon, under the mediation of the pope. John discovered this correspondence; and to prevent the fatal effects of it, he sent down forces into Normandy, the chief seat of the king of Navarre's power, and attacked his castles and fortresses. But hearing that Edward had prepared an army to support his ally, he had the weakness to propose an accommodation with Charles, and even to give this traitorous subject the sum of a hundred thousand crowns, as the purchase of a feigned reconciliation, which rendered him still more dangerous. The king of Navarre, insolent from past impunity, and desperate from the dangers, which he apprehended, continued still his intrigues; and associating himself with Geoffrey d'Harcourt, who had received his pardon from Philip de Valois, but persevered still in his factious dispositions, he increased the number of his partizans in every part of the kingdom. He even seduced by his address, Charles, the king of France's eldest son, a youth of seventeen years of age, who was the first that bore the appellation of
of

^B Froissart, liv. 1. chap. 144.

of dauphin, by the re-union of the province of Dauphiny C H A P. XVI.
 to the crown. But this prince, being made sensible of the danger and folly of these connections, promised to make atonement for the offence by the sacrifice of his associates; and in concert with his father, he invited the king of Navarre, and other noblemen of the party, to a feast at Rouen, where they were betrayed into the hands of John. Some of the most obnoxious were immediately led to execution; the king of Navarre was thrown into prison^c: But this stroke of severity in the king, and of treachery in the dauphin, was far from proving decisive in maintaining the royal authority. Philip of Navarre, brother to Charles, and Geoffrey d'Harcourt, put all the towns and castles belonging to that prince in a posture of defence; and had immediate recourse to the protection of England in this desperate extremity.

1355.

THE truce between the two kingdoms, which had always been very ill observed on both sides, was now expired; and Edward was entirely free to support the French malcontents. Well pleased, that the factions in France had at last gained him some partizans in that kingdom, which his pretensions to the crown had never been able to procure him, he proposed to attack his enemy both on the side of Guienne, under the command of the prince of Wales, and on that of Calais, in his own person.

YOUNG Edward arrived in the Garronne with his army, on board a fleet of three hundred sail, attended by the earls of Warwic, Salisbury, Oxford, Suffolk, and other English noblemen. Being joined by the vassals of Gascony, he took the field; and as the present disorders in France prevented every proper plan of defence, he carried on with impunity his ravages and devastations, according to the mode of war in that age. He reduced all the villages and several towns in Languedoc to ashes: He presented himself before Thoulouse; passed the Garronne, and burned the suburbs of Carcassonne; advanced even to Narbonne, laying every thing waste around him: And after an incursion of six weeks, returned with a vast booty and many prisoners to Guienne, where he took up his winter quarters^d. The constable of Bourbon, who
 com-

^c Froissart, liv. 1. chap. 146. Aversbury, p. 243. ^d Ibid. chap. 144, 146.

CHAP. commanded in those provinces, received orders, though
 XVI. at the head of a superior army, on no account to run the
 hazard of a battle.

1355.

THE king of England's incursion from Calais was of the same nature, and attended with the same issue. He broke into France at the head of a numerous army; to whom he gave a full licence of plundering and ravaging the open country. He advanced to St. Omer, where the king of France was posted; and on the retreat of that prince, followed him to Hesdin^E. John still kept at a distance, and declined an engagement: But in order to save his reputation, he sent Edward a challenge to fight a pitched battle with him; an usual bravado in that age, derived from the practice of single combat, and ridiculous in the art of war. The king, finding no sincerity in this defiance, retired to Calais, and thence went over to England, in order to defend that kingdom against a threatened invasion of the Scots.

THE Scots, taking advantage of the king's absence, and that of the military power of England, had surprized Berwic; and had collected an army with a view of committing ravages upon the northern provinces: But on the approach of Edward, they abandoned that place, which was not tenable, while the castle was in the hands of the English; and retiring to their mountains, gave the enemy a full liberty of burning and destroying the whole country from Berwic to Edinburgh^F. Baliol attended Edward on this expedition; but finding, that his constant adherence to the English had given his countrymen an unconquerable aversion to his title, and that he himself was declining through age and infirmities, he finally resigned into the king's hands his pretensions to the crown of Scotland^G, and received in lieu of them an annual pension of 2000 pounds, with which he passed the remainder of his life in privacy and retirement.

DURING these military operations, Edward received information of the encreasing disorders in France, arising from the seizure of the king of Navarre; and he sent Lancaster at the head of a small army, to support his partizans in Normandy. The war was conducted with various

^E Froissart, liv. i. chap. 144. Avesbury, p. 206. Walsing. p. 171. Walsing. p. 171. ^F Rymer, vol. v. p. 823. Ypod. Neult. p. 521.

various success; but chiefly to the disadvantage of the French malcontents; till an important event happened in the other quarter of the kingdom, which had well nigh proved fatal to the monarchy of France, and threw every thing into the utmost confusion.

THE prince of Wales, encouraged by the success of the preceding campaign, took the field with an army, which no historian makes amount to above 12,000 men, and of which not a third were English; and with this small body, he ventured to penetrate into the heart of France. After ravaging the Agenois, Quercy, and the Limousin, he entered the province of Berry; and made some attacks, tho' without success, on the towns of Bourges and Issoudun. It appeared, that his intentions were to march into Normandy, and to join his forces with those of the duke of Lancaster, and the partizans of the king of Navarre; but finding all the bridges on the Loire broken down, and every pass carefully guarded, he was obliged to think of making his retreat into Guienne^h. He found this resolution the more necessary, from the intelligence which he received of the king of France's motions. That monarch, provoked at the insult offered him by this incursion, and entertaining hopes of success from the young prince's temerity, collected a great army of above 60,000 men, and advanced with hasty marches to intercept his enemy. The prince, not aware of John's near approach, lost some days, on his retreat, before the castle of Remorantinⁱ; and thereby gave the French an opportunity of overtaking him. They came within sight at Maupertuis near Poitiers; and Edward, sensible that his retreat was now become impracticable, prepared for battle with all the courage of a young hero, and with all the prudence of the oldest and most experienced commander.

Battle of
Poitiers.

BUT the utmost prudence and courage would have proved insufficient to save him in this extremity, had the king of France known how to make use of his present advantages. His great superiority in numbers enabled him to surround the enemy; and by intercepting all their

^h Walsing. p. 171.

ⁱ Froissart, liv. 1. chap. 158. Walsing. p. 171.

CHAP. their provisions, which were already become scarce in the
 XVI. English camp, to reduce this small army, without a
 blow, to the necessity of surrendering at discretion. But
 1356. such was the impatient ardour of the French nobility,
 and so much had their thoughts been bent on overtaking
 the English as their sole object, that this idea never struck
 any of the commanders; and they immediately took
 measures for the assault, as for a certain victory. While
 the French army was drawn up in order of battle, they
 were stopped by the appearance of the cardinal of Perigord;
 who, having learned the approach of the two
 armies to each other, had hastened, by interposing his
 good offices, to prevent any farther effusion of christian
 blood. By John's permission, he carried proposals to the
 prince of Wales; and found him so sensible of the bad
 posture of his affairs, that an accommodation seemed not
 impracticable. Edward told him, that he would agree
 to any terms consistent with his own honour and that of
 England; and he offered to purchase a retreat by resign-
 ing all the conquests, which he had made during this and
 the former campaign, and by stipulating not to serve
 against France during the course of seven years. But
 John, imagining that he had now got into his hands a
 sufficient pledge for the restitution of Calais, required
 that Edward should surrender himself prisoner with a hun-
 dred of his attendants; and offered on these terms a safe
 retreat to the English army. The prince rejected the
 proposal with disdain; and declared, that whatever for-
 tune should attend him, England should never be obliged
 to pay the price of his ransom. This resolute answer
 cut off all hopes of accommodation; but as the day was
 already spent in negotiating, the battle was delayed till
 the next morning.

THE cardinal of Perigord, as all the prelates of the
 court of Rome, was extremely attached to the French
 cause; but the most determined enemy could not have
 contrived a greater prejudice to John's affairs, than he
 did them by this delay. The prince of Wales had lei-
 sure, during the night, to strengthen, by new intrench-
 ments, the post which he had before so judiciously cho-
 sen;

sen; and he contrived an ambush of 300 men at arms, and as many archers, whom he put under the command of the Captal de Buche, and ordered to make a circuit, that they might fall on the flank or rear of the French army during the engagement. The van of his army was commanded by the earl of Warwic, the rear by the earls Salisbury and Suffolk, the main body by the prince himself. The lords Chandos, Audeley, and many other brave and experienced commanders, were at the head of different corps of his army.

JOHN also arranged his forces in three divisions, nearly equal: The first was commanded by the duke of Orléans, the king's brother; the second by the dauphin attended with his two younger brothers; the third by the king himself, who had by his side Philip, his fourth son and favourite, then about fourteen years of age. There was no reaching the English army but thro' a narrow lane, covered on each side by hedges; and in order to open this passage, the mareschals, Andrehen and Clermont, were ordered to advance with a separate detachment of men at arms. While they marched along the lane, a body of English archers, who lined the hedges, plied them on each side with their arrows; and being very near them, yet placed in perfect safety, they coolly took their aim against the enemy, and massacred them with impunity. The French detachments, much discouraged with the unequal fight, and diminished in their number, arrived at the end of the lane, where they met on the open grounds the prince of Wales himself, at the head of a chosen body, for their reception. They were discomfited and overthrown: One of the mareschals was slain: the other taken prisoner: And the remainder of the detachment, who were still in the lane, exposed to the shot of the enemy, without being able to make resistance, recoiled upon their own army, and put every thing into disorder^M. In that critical moment, the Captal de Buche unexpectedly appeared, and attacked in flank the dauphin's-line, which fell into some confusion. Landas, Bodenai, and St. Venant, to whom the care of that young prince and his brothers had been committed, too anxious for their charge or for their own safety, carried them off the field of battle, and set the example of flight, which

^M Froissart, liv. 1. chap. 162.

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1356.

Captivity
of the
king of
France.

which was followed by that whole division. The duke of Orleans, seized with a like panic, and imagining all was lost, thought no longer of fighting, but carried off his division by a retreat, which soon turned into a flight. The lord Chandos called out to the prince, that the day was won; and encouraged him to attack the division, under king John, which, tho' more numerous than the whole English army, were somewhat dismayed with the precipitate flight of their companions. John here made the utmost efforts to retrieve by his valour, what his imprudence had betrayed; and the only resistance made that day was by his line of battle. The prince of Wales fell with impetuosity on some German cavalry placed in the front, and commanded by the counts of Sallebruche, Nydo, and Nosto: A fierce battle ensued: The one side were encouraged by the near prospect of so great a victory: The other were retained by the shame of quitting the field to an enemy so much inferior: But the three German generals, together with the duke of Athens, constable of France, falling in battle, that body of cavalry gave way, and left the king himself exposed to the whole fury of the enemy. The ranks were every moment thinned around him: The nobles fell by his side, one after another: His son, scarce fourteen years of age, received a wound, while he was fighting valiantly in defence of his father: The king himself, spent with fatigue, and overwhelmed by numbers, might easily have been dispatched; but every English gentleman, ambitious of taking alive the royal prisoner, spared him in the action, called to him to surrender himself, and offered him quarter: Several who attempted to seize him, suffered for their temerity. He still cried out, *Where is my cousin, the prince of Wales?* and seemed unwilling to become prisoner to any person of inferior rank. But being told, that the prince was at a great distance on the field, he threw down his gauntlet, and yielded himself to Dennis de Morbec, a knight of Arras, who had been obliged to fly his country for murder. His son was taken with him^N.

THE prince of Wales, who had been carried away in pursuit of the flying enemy, finding the field entirely clear, had ordered a tent to be pitched, and was reposing himself

^N Rymer, vol. vi. p. 72, 154. Froissart, liv. 1. chap 164.

himself after the toils of battle; enquiring still with great anxiety concerning the fate of the French monarch. He dispatched the earl of Warwic to bring him intelligence; and that nobleman came happily in time to save the life of the captive prince, which was exposed to greater danger than it had been during the heat of the action. The English had taken him by violence from Morbec: The Gascons claimed the honour of detaining the prisoner: And some brutal soldiers, rather than yield the prize to their rivals, had threatened to put him to death^o. Warwic overawed both parties, and approaching the king with great demonstrations of respect, offered to conduct him to the prince's tent.

HERE commences the real and truly admirable heroism of Edward: For victories are vulgar things in comparison of that moderation and humanity discovered by a young prince of twenty-seven years of age, not yet cooled from the fury of battle, and elated by as extraordinary and as unexpected success as had ever crowned the arms of any general. He came forth to meet the captive king with all the signs of regard and sympathy; administered comfort to him amidst his misfortunes; paid him the tribute of praise due to his valour; and ascribed his own victory merely to the blind chance of war, or to a superior Providence, which controuls all the efforts of human force and prudence^p. The behaviour of John shewed him not unworthy of this courteous treatment: His present abject fortune never made him forget a moment that he was a king: More sensible to Edward's generosity than to his own calamities, he confessed, that, notwithstanding his defeat and captivity, his honour was still unimpaired; and that, if he yielded the victory, it was at least gained by a prince of such consummate valour and humanity.

EDWARD ordered a magnificent repast to be prepared in his tent for the prisoner; and he himself served the royal captive's table, as if he had been one of his retinue: He stood at the king's back during the meal; constantly refused to take a place at the table; and declared, that, being a subject, he was too well acquainted with the distance between his own rank, and that of royal majesty, to assume such freedom. All his father's pretensions to the crown of France were now buried in oblivion: John in captivity

^o Froissart, liv. 1. chap. 164.^p Poul. Oemil. p. 197.

C H A P.

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1356.

captivity received the honours of a king, which were refused him when seated on the throne: His misfortunes, not his title, were respected: And the French prisoners, conquered by this elevation of mind, more than by their late discomfiture, burst out into tears of joy and admiration; which were only checked by the reflection, that such genuine and unaltered heroism in an enemy must certainly in the issue prove but the more dangerous to their native country Q.

ALL the English and Gascon knights imitated the generous example set them by their prince. The captives were every where treated with humanity, and were soon after dismissed on paying moderate ransoms to the persons into whose hands they had fallen. The extent of their fortunes was considered; and an attention was given, that they should still have sufficient means left, for the future, to perform their military service in a manner suitable to their rank and quality. Yet so numerous were the noble prisoners, that these ransoms, joined to the spoils of the field, were sufficient to enrich the prince's army; and as they had suffered very little in the action, their joy and exultation was complete.

1357.
24th May.

THE prince of Wales conducted his prisoner to Bourdeaux; and not being provided of forces so numerous as might enable him to push his present advantages, he concluded a two years truce with France^R, which was also become requisite, that he might conduct the captive king with safety into England. He landed at Southwark, and was met by a prodigious concourse of people, of all ranks and stations. The prisoner was clad in royal apparel, and mounted on a white steed, distinguished by its size and beauty, and by the richness of its furniture. The conqueror rode by his side in a meaner attire, and carried by a black palfrey. In this situation, much more glorious than all the insolent parade of a Roman triumph, he passed thro' the streets of London, and presented the king of France to his father, who advanced to meet him, and received him with the same courtesy, as if he had been a neighbouring potentate, that had voluntarily come to pay him a friendly visit^S. It is impossible, in reflecting on this noble conduct, not to perceive the advantages which resulted

Q Froissart, liv. i. chap. 168.
S Froissart, liv. i. chap. 173.

R Rymer, vol. vi. p. 3.

resulted from the other whimsical principles of chivalry, and which gave men in those rude times some superiority even over people of a more cultivated age and nation.

THE king of France, besides the generous treatment which he met with in England, had the melancholy consolation of the wretched, to see companions in affliction. The king of Scots had been eleven years a captive in Edward's hands; and the good fortune of this monarch had reduced at once the two neighbouring potentates, with whom he was engaged in war, to be prisoners in his capital. But Edward, finding that the conquest of Scotland was nowise advanced by the captivity of its sovereign, and that the government, conducted by Robert Stuart, his heir and nephew, was still able to defend itself, consented to restore David Bruce to his liberty, for the ransom of 100,000 marks sterling; and that prince delivered the sons of all his principal nobility, as hostages for the payment ^T.

1357.

MEANWHILE, the captivity of John, joined to the preceding disorders of the French government, had produced in that country a dissolution, almost total, of civil authority, and had occasioned confusions, the most horrible and destructive, that had ever been experienced in any age or in any nation. The dauphin, now about eighteen years of age, naturally assumed the royal power during his father's captivity; but tho' endowed with excellent abilities, even in such early years, he possessed neither the experience nor authority requisite to defend a state, assailed at once by foreign power and shaken by internal factions. In order to obtain supply, he assembled the states of the kingdom: That assembly, instead of supporting his administration, were themselves seized with the spirit of confusion; and laid hold of the present opportunity to demand limitations of the prince's power, the punishment of past malversations, and the liberty of the king of Navarre. Marcel, provost of the merchants and first magistrate of Paris, put himself at the head of the unruly populace; and from the violence and temerity of his character, pushed them to commit the most criminal outrages against the royal authority. They detained the dauphin in a sort of captivity; they murdered in his presence

1358.

State of
France.

^T Rymer, vol. vi. p. 45, 46, 52, 56. Froissart, liv. i. chap. 174. Walsing. p. 173.

CHAP.

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fence Robert de Clermont and John de Conflans, marshals of France; they threatened all the other ministers with a like fate; and when Charles, who was obliged to temporize and dissemble, made his escape from their hands, they levied war against him, and openly erected the standard of rebellion. The other cities of the kingdom, in imitation of the capital, shook off the dauphin's authority; took the government into their own hands; and spread the disorder into every province. The nobles, whose inclinations led them to adhere to the crown, and were naturally disposed to check these tumults, had lost all their influence; and being reproached with cowardice on account of the base desertion of their sovereign in the battle of Poitiers, were treated with universal contempt by the inferior orders. The troops, who, from the deficiency of pay, were no longer retained in discipline, threw off all regard to their officers, sought the means of subsistence by pillage and robbery, and associating to them all the disorderly people, with which that age abounded, formed numerous bands, which infested all quarters of the kingdom. They laid the open country desolate; burned and plundered the villages; and by cutting off all means of communication or subsistence, reduced even the inhabitants of the walled towns to the most extreme necessity. The peasants, formerly oppressed, and now left unprotected, by their masters, became desperate from their present misery; and rising every where in arms, carried to the last extremity those disorders, which were derived from the sedition of the citizens and disbanded soldiers^U. The gentry, hated for their tyranny, were every where exposed to the violence of popular rage; and instead of meeting with regard for their past dignity, became only, on that account, the object of more wanton insult to the mutinous peasants. They were hunted like wild beasts, and put to the sword without mercy: Their castles were consumed with fire, and levelled to the ground: Their wives and daughters were first ravished, and then murdered: The savages proceeded so far as to impale some gentlemen, and roast them alive before a slow fire: A body of nine thousand of them broke into Meaux, where the wife of the dauphin with above 300 ladies had taken shelter: The most brutal treatment and most

^U Froissart, liv. 1. chap. 182, 183, 184.

most atrocious cruelty were justly dreaded by this helpless company: But the Capital de Buche, tho' in the service of Edward, yet moved by generosity and by the gallantry of a true knight, flew to their relief, and beat off the peasants with great slaughter. In other civil wars, the opposite factions, falling under the government of their several leaders, commonly preserve still the vestige of some rule and order: But here the wild state of nature seemed to be renewed: Every man was thrown loose and independent of his fellows: And the great multitude of people, which had arisen from the preceding police of civil society, served only to encrease the horror and confusion of the scene.

AMIDST these disorders, the king of Navarre made his escape from prison, and presented a dangerous leader to the furious malcontents ^x. But the splendid talents of this prince qualified him only to do mischief, and to encrease the public distractions: He wanted the steadiness and prudence requisite for making his intrigues subservient to his ambition, and forming his numerous partizans into a regular faction. He revived his pretensions, somewhat obsolete, to the crown of France: But while he advanced this claim, he relied entirely on his alliance with the English, who were concerned in interest to disappoint his pretensions, and who, being public and inveterate enemies to the state, served only, by the friendship which they seemingly bore him, to render his cause the more odious. And in all his operations, he acted more like a leader of banditti, than one who aspired to be the head of a regular government, and who was engaged by his station to endeavour the re-establishment of order in the community.

THE eyes, therefore, of all the French, who wished to restore peace to their miserable and desolated country, were turned towards the dauphin; and that young prince, tho' not remarkable for his military talents, possessed so much prudence and spirit, that he gained daily the ascendant over all his enemies. Marcel, the seditious provost, was slain, while he was attempting to deliver the city to the king of Navarre and the English; and the capital immediately returned to its duty ^y. The most confi-

^x Froissart, liv. 1. chap. 181.^y Ibid. chap. 187.

CHAP. considerable bodies of the mutinous peasants were diffused, and put to the sword: Some bands of military robbers underwent the same fate: And tho' many grievous disorders still remained, France began gradually to assume the face of a regular civil government, and to form some plan for its defence and security.

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DURING the confusion in the dauphin's affairs, Edward seemed to have a favourable opportunity of pushing his conquests: But besides that his hands were tied by the truce, and he could only assist underhand the faction of Navarre; the state of the English finances and military power during those ages rendered the kingdom incapable of making any regular or steady effort, and obliged it to exert its force at very distant intervals, by which all the projected ends were commonly disappointed. Edward employed himself, during a conjuncture so inviting, chiefly in negotiations with his prisoner; and John had the weakness, to sign terms of peace, which, had they taken effect, must have totally ruined and dismembered his kingdom. He agreed to restore all the provinces, which had been possessed by Henry II. and his two sons, and to annex them for ever to England without any obligation of homage or fealty on the part of the English monarch. But the dauphin and the states of France rejected this treaty, so dishonourable and pernicious to the kingdom^z; and Edward, on the expiration of the truce, having now, by subsidies and frugality, collected some treasure, prepared himself for a new invasion of France.

THE great authority and renown of the king and the prince of Wales, the splendid success of their former enterprises, and the certain prospect of plunder from the defenceless provinces of France, soon brought together all the military power of England; and the same motives invited to Edward's standard all the hardy adventurers of the different countries of Europe^a. He passed over to Calais, where he assembled an army of near 100,000 men; a force, which the dauphin could not pretend to withstand in the open field: And that prince therefore prepared himself to elude a blow, which it was impossible for him to resist. He put all the considerable towns in a posture of defence; ordered them to be supplied with magazines and provisions; distributed proper garrisons in all

^z Froissart, liv. 1. chap. 201. ^a Ibid. chap. 205.

all places; secured every thing valuable in the fortified cities; and chose his own station at Paris, with a view of allowing the enemy to vent their fury on the open country. CHAP. XVI.

THE king, aware of this plan of defence, was obliged to carry along with him six thousand waggons loaded with the provisions necessary for the subsistence of his army. After ravaging the province of Picardy, he advanced into Champagne; and having a strong desire of being crowned king of France at Rheims, the usual place in which that ceremony is performed, he laid siege to the city, and carried on his attacks, tho' without success, for the space of seven weeks^B. The place was bravely defended by the inhabitants, encouraged by the exhortations of the archbishop, John de Craon; till the advanced season (for this expedition was entered upon in the beginning of winter) obliged the king to raise the siege. The province of Champagne, meanwhile, was laid desolate by his incursions; and he thence conducted his army, with a like intent, into Burgundy. He took and pillaged Tonnerre, Gaillon, Avalon, and other small places; but the duke of Burgundy, that he might preserve his country from farther ravages, consented to pay him the sum of 100,000 nobles^C. Edward then bent his march towards the Nivernois, which saved itself by a like composition: He laid waste the Brie and the Gatinois; and after a long march, very destructive to France, and somewhat ruinous to his own troops, he appeared before the gates of Paris, and taking up his quarters at Bourg-la-Reine, extended his army to Longjumeau, Mont-rouge and Vaugirard. He tried to provoke the dauphin to hazard a battle, by sending him a defiance; but could not make that prudent prince change his plan of operations. Paris was safe from the danger of an assault by its numerous garrison; from that of a blockade by its well supplied magazines; and as Edward could not subsist his own army in a country, wasted by foreign and domestic enemies, and left also empty by the precaution of the dauphin, he was obliged to remove his quarters, and he spread his army into the provinces of Maine, Beaufle, and the Chartraine, which were abandoned to the fury of their devastations^D. The

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only

^B Froissart, liv. i. chap. 208. Walsing. p. 174. ^C Rymer, vol. vi. p. 161. Walsing. p. 174. ^D Walsing. p. 175.

only repose which France experienced was during the festival of Easter, when the king stopped the course of his ravages. For superstition can sometimes restrain the rage of men, which neither justice nor humanity is able to controul.

WHILE the war was carried on in this ruinous manner, the negotiations for peace were never interrupted: But as the king still insisted on the full execution of the treaty, which he had made with his prisoner at London, and which was strenuously rejected by the dauphin, there appeared no likelihood of an accommodation. The earl, now duke of Lancaster (for this title was introduced into England during the present reign) endeavoured to soften the rigour of these terms, and to finish the war on more equal and reasonable conditions. He insisted, with Edward, that, notwithstanding his great and surprising success, the object of the war, if such was to be esteemed the acquisition of the crown of France, was not become any nearer than at the commencement of it; or rather, was set at a greater distance by those very victories and advantages, which seemed to lead to it. That his claim of succession had not from the first procured him one partizan in the kingdom; and the continuance of these destructive hostilities had united every Frenchman in the most implacable animosity against him. That tho' intestine faction had crept into the government of France, it was abating every moment; and no party, even during the greatest heat of the contest, when subjection under a foreign enemy usually appears preferable to the dominion of fellow citizens, had ever adopted the pretensions of the king of England. That the king of Navarre himself, who alone was allied with the English, instead of being a cordial friend, was Edward's most dangerous rival, and in the opinion of his partizans appeared to possess a much preferable title to the crown of France. That the prolongation of the war, however it might enrich the English soldiers, was ruinous to the king himself, who bore all the charges of the armament, without reaping any solid or durable advantage from it. That if the present disorders of France continued, that kingdom would soon be reduced to such desolation as to afford no spoils to its ravagers; if it could establish a more steady government, it might turn the chance of war in its favour, and by its superior force and advantages be able to repel the present victors.

victors. That the dauphin, even during his greatest distresses, had yet conducted himself with so much prudence as to prevent the English from acquiring one foot of land in the kingdom; and it were better for the king to accept by a peace what he had in vain attempted to acquire by hostilities, which, however hitherto successful, had been extremely expensive, and might prove very dangerous. And that Edward having acquired so much glory by his arms, the praise of moderation was the only honour, to which he could now aspire; an honour so much the greater, as it was durable, was united with that of prudence, and might be attended with the most real advantages^D.

THESE reasons induced Edward to accept of more equitable terms of peace; and it is probable, that, in order to palliate this change of resolution, he ascribed it to a vow, made during a terrible tempest which attacked his army on their march, and which antient historians represent as the cause of this sudden accommodation^E. The conferences between the English and French commissioners were carried on during a few days at Bretigni in the Chartraine, and the peace was at last concluded on the following conditions^F: It was stipulated, that king John should be restored to his liberty, and should pay as his ransom three millions of crowns of gold, about 1,500,000 pounds of our present money^G; which was to be discharged

8th May.

C c 2

charged

^D Froissart, liv. i. chap. 211. ^E Ibid.

vol. vi. p. 178. Froissart, liv. i. chap. 212.

^F Rymer,

^G This is a prodigious sum, and probably near the half of what the king received from the parliament during the whole course of his reign. It must be remarked, that a tenth and fifteenth (which was always thought a high grant) were, in the eighth year of his reign, fixed at about 29,000 pounds: There were about 30,000 sacks of wool exported every year: A sack of wool was at a medium sold for five pounds. Upon these suppositions it would be easy to compute all the parliamentary grants, taking the list as they stand in Tyrrel, vol. iii. p. 780: Tho' somewhat must still be left to conjecture. This king levied more money from his subjects than any of his predecessors; and the parliament frequently complain of the poverty of the people, and the oppressions under which they laboured. But it is to be remarked, that the half of the French king's ransom was not paid before the war broke out between the two crowns: His son chose rather to employ the money in combating the English, than in enriching them. See Rymer, vol. viii. p. 315.

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charged at different payments: That Edward should for ever renounce all claim to the crown of France, and to the provinces of Normandy, Maine, Touraine, and Anjou, possessed by his ancestors; and should receive in exchange the provinces of Poitou, Xaintonge, l'Agenois, Perigot, the Limousin, Quercy, Rovergue, l'Angoumois, and other districts in that quarter, together with Calais, Guisnes, Montreuil, and the county of Ponthieu, on the other side of France: That the full sovereignty of all these provinces, as well as that of Guienne, should be vested in the crown of England, and that France should renounce all title to feudal jurisdiction, homage, or appeal from them: That the king of Navarre should be restored to all his honours and possessions: That Edward should renounce his confederacy with the Flemings, John his connexions with the Scots: That the disputes concerning the succession of Brittany, between the families of Blois and Mountfort, should be decided by arbiters, appointed by the two kings; and if the competitors refused to submit to the sentence, the dispute should no longer be a ground of war between the kingdoms: And that forty hostages, such as should be agreed on, should be sent to England as a security for the execution of all these conditions^H.

8th July.

In consequence of this treaty of peace, the king of France was brought over to Calais; whither Edward also soon after arrived: And both princes there solemnly ratified the treaty. John was sent to Boulogne; the king accompanied him a mile in his journey; and the two monarchs parted, with many professions, probably cordial and sincere, of mutual friendship and amity^I. The good disposition of John made him fully sensible of the generous treatment which he had met with in England, and obli-

^H The hostages were the two sons of the French king, John and Lewis; his brother Philip duke of Orleans, the duke of Bourbon, James de Bourbon count de Ponthieu, the counts d'Eu, de Longueville, de St. Pol, de Harcourt, de Vendome, de Couci, de Craon, de Montmorenci, and many of the chief nobility of France. The princes were mostly released on the fulfilling of certain articles: Others of the hostages, and the duke of Berry among the rest, were permitted to return upon their parole, which they did not keep. Rymer, vol. vi. p. 278, 285, 287.

^I Froissart, liv. 1. chap. 213.

obliterated all memory of the ascendant gained over him CHAP. XVI.
 by his rival. There seldom has been a treaty of so great importance so faithfully executed by both parties. Edward had scarcely from the beginning entertained any hopes of acquiring the crown of France: By restoring John to his liberty, and making peace at a juncture so favourable to his arms, he had now plainly renounced all pretensions of this nature: He had sold at a very high price that chimerical claim: And had at present no other interest than to retain those acquisitions which he had made with such singular prudence and good fortune. John, on the other hand, tho' the terms were severe and rigorous, possessed such fidelity and honour, that he was determined at all hazards to execute them, and to use every expedient for satisfying a monarch, who had indeed been his greatest political enemy, but had treated him personally with singular humanity and regard. But, notwithstanding his endeavours, there occurred many difficulties in fulfilling his purpose; chiefly from the extreme reluctance, which many towns and vassals in the neighbourhood of Guienne, expressed against submitting to the English dominion^K; and John, in order to adjust these differences, took a resolution of coming over himself into England. His council endeavoured to dissuade him from this rash design; and probably would have been pleased to see him employ more chicanes, for eluding the execution of so disadvantageous a treaty: But John replied to them, that, tho' good faith were banished from the rest of the earth, she ought still to retain her habitation in the breasts of princes. Some historians would detract from the merit of this honourable behaviour, by representing John as enamoured of an English lady, to whom he was glad, on this pretence, to pay a visit: But besides, that this surmise is not founded on any good authority, it appears somewhat unlikely on account of the advanced age of that prince, who was now in his fifty-sixth year. He was lodged in the Savoy; the place where he had resided during his captivity, and where he soon after sickened and died. Nothing can be a stronger proof of the great dominion of fortune over men, than the calamities which pursued a monarch of such eminent valour, goodness and honour, and which he incurred merely by reason of some slight

1360.

1363.

1364.

8th April.

^K Froissart, liv. 1. chap. 214.

CHAP. XVI. slight imprudences, which, in other situations, would have been of no importance. But tho' both his reign and that of his father, proved extremely unfortunate to their kingdom, the French crown acquired, during their time, very considerable accessions, those of Dauphiny and Burgundy. This latter province, however, John had the imprudence again to dismember from the crown, by bestowing it on Philip his fourth son, and chief favourite ^L; a deed, which was afterwards the source of many calamities to his kingdom.

1364.

JOHN was succeeded in the throne by Charles, the dauphin, a prince educated in the school of adversity, and well qualified, by his consummate prudence and experience, to repair all the losses, which the kingdom had suffered from the errors of his two predecessors. Contrary to the practice of all the great princes of those times, which held nothing in estimation but military courage, he seems to have fixed it as a maxim never to appear at the head his armies; and he was the first king in Europe, who shewed the advantages of policy, foresight and judgment, above a rash and precipitate valour. The events of his reign, compared with those of the preceding, are a proof, how little reason kingdoms have to value themselves on their victories, or to be humbled by their defeats; which in reality ought to be ascribed chiefly to the good or bad conduct of their rulers, and go a very little way towards determining national characters and manners.

State of
France.

BEFORE Charles could think of counter-balancing so great a power as England, it was necessary for him to remedy the many disorders, to which his own kingdom was exposed. He turned his arms against the king of Navarre, the great disturber of France during that age: He defeated that prince by the conduct of Bertrand du Guesclin, a gentleman of Brittany, one of the most accomplished characters of the age, whom he had the discernment to choose as the instrument of all his victories ^M. And he obliged his enemy to accept of moderate terms of peace. Du Guesclin was less fortunate in the wars of Brittany, which still continued, notwithstanding the mediation of France and England: He was defeated and taken prisoner at Auray by Chandos: Charles de Blois was

^L Rymer, vol. vi. p. 421.
120, 122.

^M Froissart, liv. 1. chap. 119,

was there slain, and the young count de Mountfort soon after got entire possession of that dutchy^N. But the prudence of Charles broke the force of this blow: He submitted to the decision of fortune: He acknowledged the title of Mountfort, tho' a zealous partizan of England; and received the proper homage for his dominions. But the chief obstacle which the French king met with in the settlement of the state, proceeded from obscure enemies, whom their crimes alone rendered eminent, and their number dangerous.

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ON the conclusion of the treaty of Bretigni, the many military adventurers, who had followed the fortunes of Edward, being dispersed into the several provinces, and possessed of strong holds, refused to lay down their arms, or relinquish a course of life, to which they were now accustomed, and by which alone they could gain a subsistence^O. They associated themselves with the banditti, who were already enured to the habits of rapine and violence; and under the name of the *compagnies* and *compagnions*, became a terror to all the peaceable inhabitants. Some English and Gascon gentlemen of character, particularly Sir Matthew Gournay, Sir Hugh Calverley, the chevalier Verte, and others, were not ashamed to take the command of these ruffians, whose numbers amounted on the whole to near 40,000 men, and who bore the appearance of regular armies, rather than bands of robbers. These leaders fought pitched battles with the troops of France, and gained victories; in one of which Jaques de Bourbon, a prince of the blood, was slain^P: And they proceeded to such a height, that they wanted little but regular establishments to become princes, and thereby sanctify, by the maxims of the world, their infamous profession. The greater spoil they committed on the country, the more easy they found it to recruit their number: All those, who were reduced to misery and despair, flocked to their standard: The evil was every day increasing: And tho' the pope declared them excommunicate, these military plunderers, however deeply affected with this sentence, to which they paid much greater regard than to any maxims of justice or humanity, could not be induced
by

^N Froissart. liv. 1. chap. 227, 228, &c. Walsing. p. 180.
^O Frois. liv. 1. chap. 214. ^P Ibid. chap. 214, 215.

CHAP. by it to betake themselves to any peaceable or lawful profession.

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As Charles was not able by power to redress so enormous a grievance, he was led, both by necessity, and by the turn of his character, to correct it by policy, and to contrive some method of discharging into foreign countries this dangerous and intestine evil.

PETER, king of Castile, stigmatized by his contemporaries and by posterity, with the epithet of *Cruel*, had filled with blood and murder his kingdom and his own family; and having incurred the universal hatred of his subjects, he kept only from present terror an anxious and precarious possession of the throne. His nobles fell every day the victims of his severity: He put to death several of his natural brothers from groundless jealousy: Each murder, by multiplying his enemies, became the occasion of fresh barbarities: And as he was not destitute of talents, his neighbours, no less than his own subjects, were alarmed by the progress of his violence and injustice. The ferocity of his temper, instead of being softened by his strong propensity to love, was rather enflamed by that passion, and took thence new occasion to exert itself. Instigated by Mary de Padilla, who had acquired the ascendancy over him, he threw into prison Blanche de Bourbon, his wife, sister to the queen of France; and soon after made way by poison for the espousing of his mistress.

HENRY, count de Transmare, his natural brother, seeing the fate of every one who had become obnoxious to this tyrant, took arms against him; but being foiled in the attempt, he sought for refuge in France, where he found the minds of every one extremely enflamed against Peter, on account of his murder of the French princes. He proposed to Charles the enlisting of the *companies* into his service, and leading them into Castile; where, from the concurrence of his own friends, and the enemies of his brother, he had the prospect of certain and immediate success. The French king, charmed with the project, employed du Guesclin in negotiating with the leaders of these banditti. The treaty was soon concluded. The high character of honour, which that general possessed, made every one trust to his promises: Tho' the intended expedition was kept a secret, the companies implicitly enlisted under his standard: And they required no other condition

dition before their engagement, than an assurance, that they were not to be led against the prince of Wales in Guienne. But that prince was so little averse to the enterprize, that he allowed some gentlemen of his retinue to enter into the service under du Guesclin.

DU GUESCLIN, having completed his levies, led the army first to Avignon, where the pope then resided, and demanded, sword in hand, an absolution for his soldiers, and the sum of 200,000 livres. The first was very readily promised him; some more difficulty was made with regard to the second. "I believe my fellows," replied du Guesclin, "may make a shift to do without your absolution; but the money is absolutely necessary." The pope then extorted from the inhabitants in the city and neighbourhood the sum of an hundred thousand livres, and offered it to du Guesclin. "It is not my purpose," cried that generous warrior, "to oppress the innocent people. The pope and his cardinals themselves can easily spare me that sum from their own pockets. This money, I insist, must be restored to the owners. And should they be defrauded of it, I shall myself return from the other side of the Pyrenees, and oblige you to make them restitution." The pope found the necessity of submission, and paid him, from his own treasury, the sum demanded. The army, hallowed by the blessings, and enriched by the spoils of the church, proceeded on their expedition.

THESE experienced and hardy soldiers, conducted by so able a general, easily prevailed over the king of Castile, whose subjects, instead of supporting their oppressor, were ready to join the enemy against him^R. Peter fled from his dominions, took shelter in Guienne, and craved the protection of the prince of Wales, whom his father had invested with the sovereignty of these conquered provinces, under the title of the principality¹ of Aquitaine^S. The prince seemed now to have entirely changed his sentiments with regard to the Spanish transactions: Whether that he was moved by the generosity of supporting a distressed prince, and thought, as is but too usual among sovereigns, that the rights of the people were a matter of much less consideration; or dreaded the acquisition of so powerful

^Q Hist. de Guesclin.

^R Froissart, liv. 1. chap. 230.

^S Rymer, vol. vi. p. 384. Froissart, liv. 1. chap. 231.

CHAP. XVI. powerful a confederate to France as the new king of Castile; or what is most probable, was impatient of rest and ease, and sought only an opportunity of exerting his military talents, by which he had already acquired so much renown. He promised his assistance to the dethroned monarch; and having obtained the consent of his father, he levied a great army, and set out upon his enterprize. He was accompanied by his younger brother, John of Gaunt, created duke of Lancaster, in place of the good prince of that name, who had died without any male issue, and whose daughter he had espoused. Chandos also, who bore among the English the same character, which du Guesclin had acquired among the French, commanded under him in this expedition.

1367.
Expedition
on into
Castile.

THE first blow which the prince of Wales gave to Henry de Transmare, was recalling all the *companies* from his service; and so much reverence did they bear to the name of Edward, that great numbers of them immediately withdrew from Spain, and inlisted under his banners. Henry however, beloved by his new subjects, and supported by the king of Arragon and others of his neighbours, was able to meet the enemy with an army of 100,000 men; forces three times more numerous than those commanded by Edward. Du Guesclin and all his experienced officers advised him to delay any decisive action, to cut off the prince of Wales's provisions, and to avoid every engagement with a general, whose enterprizes had hitherto been always conducted with prudence, and crowned with success. Henry trusted too much to his numbers; and ventured to encounter the English prince at Najara^T. Historians of that age are commonly very copious in describing the shock of armies in battle, the valour of the combatants, the slaughter and various successes of the day: But tho' small rencounters in those times were often well disputed, the military discipline was always too imperfect to preserve order in great armies; and such actions deserve more the name of routs than of battles. Henry was chased off the field, with the loss of above 20,000 men: There perished only four knights and forty private men on the side of the English.

3d April.

PETER, who so well merited the infamous epithet which he bore, proposed to murder all his prisoners in cold blood;

^T Froissart, liv. 1. chap. 241.

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blood; but was restrained from this barbarity by the remonstrances of the prince of Wales. All Castile now submitted to the victor: Peter was restored to the throne: And Edward finished this perilous enterprize with his usual glory. But he had soon reason to repent associating himself with a man like Peter, abandoned to all sense of virtue and honour. The ungrateful tyrant refused the stipulated pay to the English forces; and Edward, finding his soldiers daily perish by sickness, and even his own health impaired by the climate, was obliged, without receiving any satisfaction on this head, to return into Guienne ^U.

THE monstrous cruelties exercised by Peter over his helpless subjects, whom he now regarded as vanquished rebels, revived all the animosity of the Castilians against him; and on the return of Henry de Transtamare, together with du Guesclin, and some forces levied anew in France, the tyrant was again dethroned, and was taken prisoner. His brother, in resentment of his cruelties, murdered him with his own hand; and was placed on the throne of Castile, which he transmitted to his posterity. The duke of Lancaster, who espoused in second marriage the eldest daughter of Peter, inherited only the empty title of that sovereignty, and encreased the animosity of the new king of Castile against England.

BUT the prejudice, which the affairs of prince Edward received from this splendid, tho' imprudent expedition, ended not with it. He had involved himself in so much debt by his preparations and the pay of his troops, that he found it necessary, on his return, to impose on his principality a new tax, which some of the nobility submitted to with extreme reluctance, and to which others absolutely refused compliance ^W. This incident revived the

1368.

Rupture
with
France.

^U Froissart, liv. 1. chap. 242, 243. Walsingham, p. 182.

^W This tax was a livre upon a hearth; and it was imagined, that this imposition would have yielded 1,200,000 livres a year, which supposes so many hearths in the provinces possessed by the English. But such loose conjectures have no manner of authority, much less, in such ignorant times. There was a strong instance of it in the present reign. The house of commons granted the king a tax of twenty-two shillings on each parish, supposing that the amount of the whole would be 50,000 pounds. But they were found to be in a mistake of near six to one. Cotton, p. 3. And the privy council assumed the power of

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the animosity which the inhabitants bore to the English, and which all the amiable qualities of the prince of Wales were not able to mitigate or assuage. They complained, that they were considered as a conquered people, that their privileges were disregarded, that all trust was given to the English alone, that every office of honour and profit was conferred on these foreigners, and that the extreme reluctance, which most of them had expressed, to receive this new yoke, was likely to be long remembered against them. They cast, therefore, their eyes towards their antient sovereign, whose prudence, they found, had now brought the affairs of his kingdom into excellent order; and the counts of Armagnac, Comminge, and Perigord, the lord d'Albert, with other nobles, went to Paris, and were encouraged to carry their complaints to Charles, as to their lord paramount, against these oppressions of the English government ^x.

IN the treaty of Bretigni it had been agreed, that the two kings should make renunciations; Edward of his claim to the crown of France and to the provinces of Normandy, Maine, and Anjou; John of the homage and fealty due for Guienne and the other provinces ceded to the English. But when that treaty was confirmed and renewed at Calais, it was found necessary, on account of some formalities peculiar to the feudal law, that the mutual renunciations should for some time be deferred; and it was agreed, that the parties, mean while, should make no use of these claims against each other ^y. Tho' the failure in exchanging these renunciations had still proceeded from France ^z, Edward appears to have taken no umbrage at it; both because this clause seemed to give him entire security, and because some reasonable apology had probably been made to him for each delay. It was, however, on this pretence, gross and iniquitous as it was, that Charles resolved to ground his claim, of considering himself still as superior lord of these provinces, and of receiving the appeals of his sub-vassals ^a.

BUT

of augmenting the tax, so as to make it answer the sums proposed to be levied by it; which was certainly a very irregular practice.

^x Froissart, liv. 1. chap. 244. ^y Rymer, vol. vi. p. 219, 230, 237. ^z Rot. Franc. 35 Edw. III. m. 3. from Tyrrel, vol. iii. p. 643. ^a Froissart, liv. 1. chap. 245.

BUT as views of policy, more than those of justice, enter into the deliberations of princes; and as the mortal injuries received from the English, the pride of their triumphs, the severe terms imposed by the treaty of peace, seemed to render every prudent means of revenge honourable against them; Charles was determined to take this measure, less by the reasonings of his civilians and lawyers, than by the present situation of the two monarchies. He considered the declining years of Edward, the languishing state of the prince of Wales health, the affection which the inhabitants of all these provinces bore to their antient master, their distance from England, their contiguity to France, the extreme animosity expressed by his own subjects against these invaders, and their ardent thirst of vengeance; and having made silently all the preparations requisite, he sent to the prince of Wales a summons to appear in his court at Paris, and there to justify his conduct towards his vassals. The prince replied, that he would come to Paris; but it should be at the head of sixty thousand men^B. The unwarlike character of Charles kept Edward, even yet, from thinking, that that monarch was in earnest, in this bold and hazardous attempt.

It soon appeared what a poor return the king received by his distant conquests for all the blood and treasure expended in the quarrel, and how impossible it was to retain acquisitions, in an age when no regular force could be maintained sufficient to defend them against the revolt of the inhabitants, much less, if that danger was conjoined with the invasion of a foreign enemy. Charles fell first upon Ponthieu, which gave the English an inlet into the heart of France: The citizens of Abbeville opened their gates to him^C: Those of St. Valori, Rue, and Crotoy imitated the example, and the whole country was in a little time reduced to submission. The dukes of Berri and Anjou, brothers to Charles, being assisted by du Guesclin, who was recalled from Spain, invaded the southern provinces; and by means of their good conduct, the favourable inclinations of the people, and the ardour of the French nobility, they made every day considerable progress against the English. The state of the

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1369.

1370.

Ill success
of the
English.

^B Froissart, liv. i. chap. 247, 248.
183.

^C Walsingham, p.

CHAP. XVI. the prince of Wales's health did not permit him to mount on horseback, or exert his usual activity: Chandos, the constable of Guienne, was slain in one action^D:
 1370. The Captal de Buche, who succeeded him in that office, was taken prisoner in another^E: And when young Edward himself was obliged by his increasing infirmities to throw up the command, and return to his native country, the English affairs in the south of France seemed to be menaced with a total ruin.

EDWARD, incensed at these injuries, threatened to put to death all the French hostages, who remained in his hands; but on reflection abstained from that ungenerous revenge. After resuming, by advice of parliament, the vain title of king of France^F, he endeavoured to send succours into Galcony; but all his attempts, both by sea and land, proved unsuccessful. The earl of Pembroke was intercepted at sea and taken prisoner with his whole army near Rochelle by a fleet, which Henry, king of Castile had fitted out for that purpose^G: Edward himself embarked for Bourdeaux with another army; but was so long detained by contrary winds, that he was obliged to lay aside the enterprize^H. Sir Robert Knolles, at the head of 30,000 men, marched out of Calais, and continued his ravages to the gates of Paris, without being able to provoke the enemy to an engagement: He proceeded on his march to the provinces of Maine and Anjou, which he laid waste; but part of his army being there defeated by the conduct of Guesclin, who was now created constable of France, and who seems to have been the first consummate general, that had yet appeared in Europe, the rest were scattered and dispersed, and the small remains of the English forces, instead of reaching Guienne, took shelter in Brittany, whose sovereign had embraced the alliance of England^I. The duke of Lancaster, some time, after, made a like attempt with an army of 25,000 men; and marched the whole length of France from Calais to Bourdeaux; but was so much harassed by the flying parties which attended him, that he brought

^D Froissart, liv. 1. chap. 277. Walsingham, p. 185.

^E Frois liv. 1. chap. 310. ^F Rymer, vol. vi. p. 621. Cotton's Abridg. p. 108. ^G Froissart, liv. 1. chap. 302, 303, 304.

Walsingham, p. 186. ^H Frois liv. 1. chap. 311. Walsignh. p. 187. ^I Frois. liv. 1. chap. 291. Walsingham, p. 185.

brought not the half of his army to the place of their destination. Edward, from the necessity of his affairs, was at last obliged to conclude a truce with the enemy¹; after almost all his antient possessions in France had been ravished from him, except Bourdeaux and Bayonne, and all his conquests, except Calais. CHAP. XVI.
1370.

THE decline of the king's life was exposed to many mortifications, and corresponded not to the splendid and noisy scenes, which had filled the beginning and the middle of it. Besides seeing the loss of his foreign dominions, and being baffled in every attempt to defend them; he felt the decay of his authority at home, and experienced, from the sharpness of some parliamentary remonstrances, the great inconstancy of the people, and the influence of present fortune over all their judgments^k. This prince, who, during the vigour of his age, had been chiefly occupied in the pursuits of war and ambition, began, at an unreasonable period, to indulge himself in pleasure; and being now a widower, he attached himself to a lady of sense and spirit, one Alice Pierce, who acquired a great ascendant over him, and by her influence gave so much disgust to his people, that, in order to satisfy the parliament, he was obliged to remove her from court^l. The indolence also, naturally attending old age and infirmities, had made him, in a great measure, resign the administration into the hands of his son, the duke of Lancaster, who, as he was far from being popular, weakened extremely the affection, borne by the English to the person and government of the king. Men carried their jealousies very far against the duke; and as they saw with infinite regret, the death of the prince of Wales every day approaching, they apprehended, lest the succession of his son, Richard, now a minor, should be defeated by the intrigues of Lancaster, and by the weak indulgence of the old king. But Edward, in order to satisfy both the people and the prince on this head, declared in parliament his grandson heir and successor to the crown; and thereby cut off all the hopes of the duke of Lancaster, if he ever had the temerity to entertain any.

THE

¹ Froissart, liv. 1. chap. 321. Walsingham, p. 187.

^k Walsingham, p. 189. Ypod. Neust. p. 530. ^l Walsingham, p. 189.

CHAP.

XVI.

1376.
8th June.
Death of
the prince
of Wales.

1377.
21st June.
Death

and cha-
racter of
the king.

THE prince of Wales, after a lingering illness, died in the forty-sixth year of his age; and left a character, illustrated by every eminent virtue, and from his earliest youth till the hour he expired, unstained by any blemish. His valour, and military talents formed the smallest part of his merit: His generosity, humanity, affability, moderation, gained him the affections of all the world; and he was qualified to throw a lustre, not only on that rude age, in which he lived, and which nowise infected him with its vices, but on the most shining period of antient or modern history. The king survived about a year this melancholy incident: England was deprived at once of both these princes, its chief ornament and support: He expired in the sixty-fifth year of his age and the fifty-first of his reign; and the people were sensible, tho' too late, of the irreparable loss, which they had sustained.

THE English are apt to consider with peculiar fondness the history of Edward III. and to esteem his reign, as it was one of the longest, the most glorious also, which occurs in the annals of their nation. The ascendant which they then began to acquire over France, their rival and supposed national enemy, makes them cast their eyes on this period with great complacency, and sanctifies every measure, which Edward embraced for that end. But the domestic government of this prince is really more admirable than his foreign victories; and England enjoyed, by the prudence and vigour of his administration, a longer interval of domestic peace and tranquillity than she had been blest with in any former period, or than she experienced for many ages after. He gained the affections of the great, yet curbed their licentiousness: He made them feel his power, without their daring, or even being inclined, to murmur at it: His affable and obliging behaviour, his munificence and generosity, made them submit with pleasure to his dominion; his valour and conduct made them successful in most of their enterprises; and their unquiet spirits, directed against a public enemy, had no leisure to breed those disturbances, to which they were naturally so much inclined, and which the frame of the government seemed so much to authorize. This was the chief benefit, which resulted from Edward's victories and conquests. His foreign wars were, in other respects, neither founded in justice, nor directed

directed to any very salutary purpose. His attempt against the king of Scotland, a minor and a brother-in-law, and the revival of his grandfather's claim of superiority over that kingdom, were both unreasonable and ungenerous; and he allowed himself to be too soon seduced, by the glaring prospect of French conquests, from the acquisition of a point, which was practicable, and which might really, if attained, have been of lasting utility to his country and his successors. The success, which he met with in France, tho' chiefly owing to his eminent talents, was unexpected; and yet, from the very nature of things, not from any unforeseen accidents, was found, even during his own life-time, to have procured him no solid advantages. But the glory of a conqueror is so dazzling to the vulgar, the animosity of nations is so extreme, that the fruitless desolation of so fine a part of Europe, as France, is totally disregarded by us, and is never considered as a blemish in the character or conduct of this prince: And indeed, from the unfortunate state of human nature, it will commonly happen that a sovereign of great genius, such as Edward, who usually finds every thing easy in his domestic government, will turn himself towards military enterprizes, where alone he meets with opposition, and where he has full exercise for his industry and capacity.

EDWARD had a numerous posterity by his queen, Philippa of Hainault. His eldest son was the heroic Edward, usually denominated the Black Prince, from the colour of his armour. This prince espoused his cousin Joan, commonly called the *fair maid of Kent*, daughter and heir of his uncle, the earl of Kent, who was beheaded in the beginning of this reign. She was first married to Sir Thomas Holland, by whom she had children. She had a son, Richard, by the prince of Wales, who alone survived his father.

THE second son of king Edward (for we pass over such as died in their childhood) was Lionel duke of Clarence, who was first married to Elizabeth de Burgh, daughter and heir of the earl of Ulster, by whom he left only one daughter, married to Edmund Mortimer, earl of Marche. Lionel espoused in second marriage, Violante, the daughter of the duke of Milan^M, and

VOL. II.

D d

died

^M Rymer, vol. vi. p. 564.

CHAP. died in Italy soon after the consummation of his nuptials, without leaving any posterity by that princess. Of all the family, he resembled most his father and eldest brother in his noble qualities.

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EDWARD's third son was John of Gaunt, so called from the place of his birth: He was created duke of Lancaster; and from him sprung that branch, which afterwards possessed the crown. The fourth son of this royal family was Edmund, created earl of Cambridge by his father, and duke of York by his nephew. The fifth son was Thomas, who received the title of earl of Buckingham from his father, and that of duke of Gloucester from his nephew. In order to prevent confusion, we shall always distinguish these two princes by the titles of York and Gloucester, even before they were advanced to them.

THERE were also several princesses born to Edward by Philippa, viz. Isabella, Joan, Mary and Margaret, who espoused, in the order of their names, Ingelram de Coucy earl of Bedford, Alphonso king of Castile, John de Mountfort duke of Brittany, and John Hastings earl of Pembroke. The princess Joan died at Bourdeaux before the consummation of her marriage.

Miscellaneous transactions in this reign.

It is remarked by an elegant historian^N, that conquerors, tho' usually the bane of human kind, proved often, in those feudal times, the most indulgent of sovereigns: They stood most in need of supplies from their people; and not being able to compel them by force to submit to the necessary impositions, they were obliged to make them some compensation, by equitable laws and popular concessions. This remark is, in some measure, tho' imperfectly, justified by the conduct of Edward III. He took no steps of moment without consulting his parliament, and obtaining their approbation, which he afterwards pleaded as a reason for their supporting his measures^O. The parliament therefore rose into greater consideration during his reign, and acquired a more regular authority than in any former times; and even the house of commons, which, during turbulent and factious periods, was naturally oppressed by the greater power of the crown and barons, began to appear of some weight in the

^N Dr. Robertson's History of Scotland, book 1. ^O Cotton's Abridg. p. 108, 120.

the constitution. In the latter years of Edward, the king's ministers were impeached in parliament, particularly lord Latimer, who fell a sacrifice to the authority of the commons^p; and they even obliged him to banish his mistress by their remonstrances. Some attention was also paid to the elections of their members; and lawyers, in particular, who were, at that time, men of very inferior characters, were totally excluded the house during several parliaments^q.

ONE of the most popular laws, enacted by any prince, was the statute, which passed in the twenty-fifth of this reign^r, and which limited the cases of high treason, before vague and uncertain, to three principal heads, the conspiring the death of the king, the levying war against him, and the adhering to his enemies; and judges were prohibited, if any other cases should occur, from inflicting the penalty of treason, without an application to parliament. The bounds of treason were indeed so much limited by this statute, which still remains in force without any alteration, that the lawyers were obliged to enlarge them, and to explain a conspiracy for levying war against the king to be equivalent to a conspiracy against his life; and this interpretation, seemingly forced, has, from the necessity of the case, been tacitly acquiesced in. It was also ordained, that a parliament should be held once a year, or oftner, if need be: A law which, like many others, was never observed, and lost its authority by disuse^s.

EDWARD granted above twenty parliamentary confirmations of the great charter; and these concessions are commonly appealed to as proofs of his great indulgence to the people, and his tender regard to their liberties. But the contrary presumption is much more natural. If the maxims of Edward's reign had not been in general somewhat arbitrary, and if the great charter had not been frequently violated, the parliament would never have applied for these frequent confirmations, which could add no force to a deed regularly observed, and which could serve to no other purpose, than to prevent the contrary precedents from turning into a rule, and acquiring authority. It was indeed the effect of the irregular go-

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^p Cotton's Abridg. p. 122.
^q Edw. III. chap. 14.

^r Ibid. p. 18. ^s Chap. 2.

CHAP. vernment during those ages, that a statute, which had been enacted some years, instead of acquiring, was imagined to lose force by time, and needed to be often renewed by recent statutes of the same sense and tenor. Hence likewise that general clause, so frequent in old acts of parliament, that the statutes, enacted by the king's progenitors, shall be observed^T; a precaution, which, if we do not consider the circumstances of the times, might appear absurd and ridiculous. The frequent confirmations in general terms of the church's privileges proceeded from the same cause.

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It is a clause in one of Edward's statutes, *that no man, of what estate or condition soever, shall be put out of land or tenement, nor taken nor imprisoned, nor disinherited, nor put to death, without being brought in answer by due process of the law*^U. This privilege was sufficiently secured by a clause of the great charter, which had received a general confirmation in the first chapter of the same statute. Why then is this clause so anxiously, and, as we may think, so superfluously repeated? Plainly, because there had been some late infringements of it, which gave umbrage to the commons^W.

BUT there is no article, in which the laws are more frequently repeated during this reign, almost in the same terms, than that of purveyance, which the parliament always calls an *outrageous* and *intolerable* grievance, and the source of *infinite* damage to the people^X. The parliament tried to abolish this prerogative altogether, by prohibiting any one to take goods without the consent of the owners^Y, and by changing the heinous name of *purveyors*, as they call it, into that of *buyers*^Z: But the arbitrary conduct of Edward still brought back the grievance upon them, tho' contrary both to the Great Charter, and to many statutes. This disorder was in a good measure derived from the state of the public finances and of the kingdom; and could therefore the less admit of any remedy. The prince frequently wanted ready money; yet

^T 36 Edw. III. cap. 1. 37 Edw. III. cap. 1, &c. ^U 28 Edw. III. cap. 3. ^W They plainly assert, in the 15th of this reign, that there had been such instances. Cotton's Abridg. p. 31. They repeat the same in the 21st year. See p. 59. ^X 36 Edw. III. &c. ^Y 14 Edw. III. cap. 19. ^Z 36 Edw. III. cap. 2.

yet his family must be provided for: And he was obliged CHAP. XVI.
to employ force and violence for that purpose, and to give tallies, at what rate he pleased, to the owners of the goods which he laid hold of. The kingdom also abounded so little in commodities, that, had the owners been strictly protected by law, they could easily have exacted any price from the king; especially in his frequent progresses, when he came to distant and poor places, where the court did not usually reside, and where a regular plan for supplying it could not easily be established.

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THE magnificent castle of Windsor was built by Edward III. and his method of conducting that work may serve as a specimen of the condition of the people in that age. Instead of alluring workmen by contracts and wages, he assessed every county in England to send him so many masons, tilers, and carpenters, as if he had been levying an army^z.

THEY mistake, indeed, very much the genius of this reign who imagine that it was not very arbitrary. All the high prerogatives of the crown were to the full exerted in it; but what was some consolation, and promised in time some relief to the people, they were always complained of by the commons: Such as the dispensing power^A; the extension of the forests^B; the erecting monopolies^C, the first of the kind which we read of: the exacting of loans^D; the stopping of justice by particular warrants^E; the renewal of the commissions of *trailbaton*^F; the pressing of men and ships into the public service^G; the levying of arbitrary and exorbitant fines^H; the extending the authority of the privy council or star-chamber to the decision of private causes^I; the enlarging the power of the marshal's and other arbitrary courts^K; the imprisoning members for freedom of speech in parliament^L; the obliging people without any rule to send recruits of men at arms, archers, and hoblars, to the army^M.

BUT

^z Ashmole's hist. of the garter, p. 129. ^A Cotton's Abridg. p. 148. ^B Cotton, p. 71. ^C Cotton's Abridg. p. 56, 61, 122. ^D Rymer, vol. v. p. 491, 574. ^E Cotton's Abridg. p. 56. ^F Cotton, p. 114. ^G Ibid. p. 67. ^H Ibid. p. 32. ^I Ibid. p. 74. ^K Ibid. p. 74. ^L Walsing. p. 189, 190. ^M Tyrrel's Hist. vol. iii. p. 554. from the records.

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BUT there was no act of arbitrary power more frequently repeated in this reign, than that of the imposition of taxes without consent of parliament. Tho' that assembly granted the king more supplies than ever had been obtained by any of his predecessors, his great undertakings and the necessity of his affairs obliged him still to levy more; and after his great success against France had added weight to his authority, these impositions became almost annual and perpetual. Cotton's Abridgment of the records affords numerous instances of this kind, in the first^N year of his reign, in the thirteenth year^O, in the fourteenth^P, in the twentieth^Q, in the twenty-first^R, in the twenty-second^S, in the twenty-fifth^T, in the thirty-eighth^U, in the fiftieth^W, and in the fifty-first^X.

THE king openly avowed and maintained this power of levying taxes at pleasure. At one time, he replied to the remonstrance of the commons, that the impositions had been exacted from great necessity, and had been assented to by the prelates, counts, barons, and *some* of the commons^Y; at another, that he would advise with his council^Z. When the parliament desired, that a law might be enacted for the punishment of such as levied these arbitrary impositions; he refused compliance^A. In the subsequent year, they desired that the king might renounce this pretended prerogative; but his answer was, that he would levy no taxes without necessity, for the defence of the realm, and where he reasonably might use that authority^B. This incident passed a very few days before his death; and these were, in a manner, his last words to his people. It would seem, that the famous charter or statute of Edward I. *de tallagio non concedendo*, tho' never repealed, was supposed to have already lost by age all its authority.

THESE facts can only shew the *practice* of the times: For as to the *right*, the continual remonstrances of the commons may seem to prove that it rather lay on their side; At least, these remonstrances served to prevent the arbitrary

^N Rymer, vol. iv. p. 363. ^O P. 17, 18. ^R Rymer, vol. iv. p. 39. ^Q P. 47. ^R P. 52, 53, 57, 58. ^S P. 69. ^T P. 76. ^U P. 101. ^W P. 138. ^X P. 152.
^Y Cotton, p. 53. He repeats the same answer in p. 60. *Some of the commons* were such as he was pleased to consult with.
^Z Cotton, p. 57. ^A Ibid. p. 138. ^B Ibid. p. 152.

arbitrary practices of the court from becoming an established part of the constitution. In so much a better condition were the privileges of the people even during the arbitrary reign of Edward III. than during some subsequent ones, particularly those of the Tudors, where no tyranny or abuse of power ever met with any check or opposition, or so much as a remonstrance, from parliament.

It is easy to imagine, that a prince of so much sense and spirit as Edward, would be no slave to the court of Rome. Tho' the old tribute was paid during some years of his minority^C, he afterwards withheld it; and when the pope in 1367 threatened to cite him to the court of Rome, for default of payment, he laid the matter before his parliament. That assembly unanimously declared, that king John could not, without a national consent, subject his kingdom to a foreign power. And they were therefore determined to support their sovereign against this exorbitant pretension^D.

DURING this reign, the statute of provisors was enacted, rendering it penal to procure any presentations to benefices from the court of Rome, and securing the rights of all patrons and electors, which had been extremely encroached on by the pope^E. By a subsequent statute, every person was out-lawed who carried any cause or appeal to the court of Rome^F.

THE laity at this time seem to have been extremely prejudiced against the papal power, and even somewhat against their own clergy, because of their connexions with the Roman pontiff. They pretended that the usurpations of the pope were the cause of all the plagues, injuries, famine, and poverty of the realm; were more destructive to it than all the wars; and were the reason why it contained not a third of the inhabitants and commodities, which it formerly possessed: That the taxes, levied by him, exceeded five times those paid to the king: That every thing was venal in that sinful city of Rome; and that even the patrons in England had thence learned to practise simony without remorse or scruple^G. At another time, they petitioned the king to employ no churchman in any office of state^H; and they even speak, in plain

^C Rymer, vol. iv. p. 434.

^D Cotton's Abridg. p. 110.

^E 25 Edw. III. 27 Edw. III.

^F 27 Edw. III. 38 Edw.

III. ^G Cotton, p. 74, 128, 129.

^H Ibid. p. 112.

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plain terms, of expelling by force the papal authority, and thereby providing a remedy against oppressions, which they neither could nor would any longer endure¹. Men who talked in this strain, were not far from the reformation: But Edward did not think proper to second all this zeal. Tho' he passed the statute of provisors, he took little care of its execution; and the parliament made frequent complaints of his negligence on this head². He was content with having reduced such of the Romish ecclesiastics, as possessed revenues in England, to depend entirely upon him by means of that statute.

As to the police of the kingdom during this period, it was certainly better than during the times of faction, civil wars, and disorder, to which England was so often exposed: Yet were there several vices in the constitution, the bad consequences of which all the power and vigilance of the king could not prevent. The barons, by their confederacies with those of their own order, and by supporting and defending their retainers in every iniquity³, were the chief abettors of robbers, murderers, and ruffians of all kinds; and no law could be executed against these criminals. The nobility were brought to give their promise in parliament, that they would not avow, retain, or support any felon or breaker of the law⁴; yet this engagement, which we may wonder to see exacted from men of their rank, was never regarded by them. The commons make continual complaints of the multitude of robberies, murders, ravishment of women, and other disorders, which, they say, were become numberless in every part of the kingdom, and which they always ascribe to the protection which the criminals received from the great⁵. The king of Cyprus, who paid a visit to England during this reign, was robbed and stript on the highway with his whole retinue⁶. Edward himself contributed to this dissolution of law, by his facility in granting pardons to felons from the solicitation of his courtiers. Laws were made to retrench this prerogative⁷, and remonstrances of the commons were presented against the

abuse

¹ Cotton, p. 41. ² Ibid. p. 119, 128, 129, 130, 148. ³ 11 Edw. III. cap. 14. ⁴ Edw. III. cap. 2. ⁵ 15 Edw. III. cap. 4. ⁶ Cotton, p. 10. ⁷ Ibid. p. 31, 62, 64, 78, 160. ⁸ Walsing. p. 170. ⁹ 14 Edw. III. cap. 2. ¹⁰ 27 Edw. III. cap. 2.

abuse of it^Q: But to no purpose. The gratifying a nobleman of power and interest continued still to be of more importance than the protection of the people. The king also granted many franchises, which interrupted the course of justice and the execution of the laws^R.

COMMERCE and industry were certainly at a very low ebb during this period. The bad police of the country alone affords a sufficient reason. The only exports were wool, skins, hydes, leather, butter, tin, lead, and such unmanufactured goods, of which wool was by far the most considerable. Knyghton has asserted, that 100,000 sacks of wool were annually exported, and sold at twenty pounds a sack, money of that age. But he is widely mistaken, both in the quantity exported and the value. In 1349, the parliament remonstrated, that the king, by an illegal imposition of forty shillings on each sack exported, had levied 60,000 pounds a year^S: Which reduces the annual exports to 30,000 sacks. A sack contained twenty-six stone, and each stone fourteen pounds^T; and at a medium was not valued at above five pounds a sack^U; that is, fourteen or fifteen pounds of our present money. Knyghton's computation raises it to sixty pounds, which is near four times the present price of wool in England. According to this reduced computation, the export of wool returned about 450,000 pounds of our present money, instead of six millions, which is an extravagant sum.

EDWARD endeavoured to introduce and promote the woollen manufacture by giving protection and encouragement to foreign weavers^W, and by enacting a law, prohibiting every one to wear any cloth but of English make^X. The parliament prohibited the exportation of woollen goods, which was not so well judged, especially while the exportation of unwrought wool was so much allowed and encouraged. A like injudicious law was made against the exportation of manufactured iron^Y.

It appears from a record of the Exchequer, that in 1354 the exports of England amounted to 294,184 pounds seventeen

^Q Cotton, p. 75.

^R Ibid. p. 54.

^S Ibid. p. 48, 69.

^T 34 Edw. III. cap. 5.

^U Cotton, p. 29.

^W 11 Edw.

III. cap. 5. Rymer, vol. iv. p. 723. Murimuth, p. 88.

^X 11 Edw. III. cap. 2.

^Y 28 Edw. III. cap. 5.

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THE first toll we read of in England, for mending the high way, was imposed in this reign : It was that for repairing the highway between St. Giles's and Temple-Bar^z.

IN the first of Richard II. the parliament complain extremely of the decay of shipping during the preceding reign, and assert, that one sea-port formerly contained more vessels than were then to be found in the whole kingdom. This calamity, they ascribe to the arbitrary seizure of ships by Edward, for the service of his frequent expeditions^A.

THERE is an order of this king directed to the mayor and sheriffs of London, to take up all ships of forty tun and upwards to be converted into ships of war^B.

THE parliament attempted the impracticable scheme of reducing the price of labour after the pestilence, and also that of poultry^C. A reaper, in the first week of August, was not allowed to take above two pence a day, or near six pence of our present money ; in the second week a third more. A master carpenter was limited thro' the whole year to three pence a day, a common carpenter to two pence, money of that age^D. It is remarkable, that in the same reign, the pay of a common soldier, an archer was six pence a day ; which, by the change, both in denomination and value, would be equivalent to four or five shillings of our present money^E.
Soldiers

^z Rymer, vol. v. p. 529.

^A Cotton, p. 155, 164.

^B Rymer, vol. iv. p. 664.

^C 37 Edw. III. cap. 3.

^D 25

Edw. III. cap. 1, 3.

^E Dugdale's Baronage, vol. i. p. 784. Brady's hist. vol. ii. App. No. 92. The pay of a man at arms was quadruple. We may therefore conclude, that the numerous armies, mentioned

diers were then enlisted only for a very short time: They lived idle all the rest of the year, and commonly all the rest of their lives: One successful campaign, by pay and plunder, and the ransom of prisoners, was supposed to be a small fortune to a man; which was a great allurements to enter into the service^F.

THE staple of wool, wool-fells, leather, and lead, was fixed by act of parliament in particular towns of England^G. Afterwards it was removed by law to Calais: But Edward, who commonly deemed his prerogative superior to law, paid little regard to these statutes; and when the parliament remonstrated with him on account of such acts of power, he told them plainly, that he would proceed in that matter as he thought proper^H. It is not easy to assign the reason of this great anxiety for fixing a staple; unless perhaps it invited foreigners to a market, when they knew before-hand, that they would meet there with great choice of any particular species of commodity. This policy of inviting foreigners to Calais was carried so far, that all English merchants were prohibited by law, from exporting any English goods from the staple; which was in a manner the total abandoning of all navigation, except that to Calais^I. A contrivance seemingly extraordinary.

LUXURY was complained of in that age, as well as in others of more refinement; and attempts were made by parliament to restrain it, particularly on the head of apparel, where surely it is the most obviously innocent and inoffensive. No man under a hundred a year was allowed

mentioned by historians in those times, consisted chiefly of ragamuffins, who followed the camp, and lived by plunder. Edward's army, before Calais consisted of 31,094 men; yet its pay for sixteen months was only 127,201 pounds. Brady, *ibid*.

^F Commodities seem to have risen since the Conquest. Instead of being ten times cheaper than at present, they were in the age of Edward III. only three or four times. This change seems to have taken place in a great measure since Edward I. This king's allowance to the earl of Murray, then a prisoner in Nottingham castle, is one pound a week; whereas the archbishop of St. Andrews, the primate of Scotland, had only sixpence a day allowed him by the former king.

^G 27 Edw. III. III. cap. 7.

^H Cotton, p. 117.

^I 27 Edw.

CHAP. lowed to wear gold, silver, or silk in his cloaths: Servants also were prohibited from eating flesh meat, or fish, above once a day^K. It was easy to foresee that such ridiculous laws must prove ineffectual, and could never be executed.

1377.

THE use of the French language, in pleadings and public deeds, was abolished^L. It may appear strange, that the nation should so long have worn this badge of conquest. But the king and nobility seem never to have become thoroughly English, till Edward's wars with France gave them an antipathy to that nation. Yet still, it was long before the use of the English tongue came into fashion. The first English paper which we meet with in Rymer is in the year 1386, during the reign of Richard II.^M There are Spanish papers in that collection more antient^N: And the use of the Latin and French still continued.

WE may judge of the ignorance of this age in geography by a story told in Robert of Avesbury. Pope Clement VI. having in 1344, created Lewis a prince of the *fortunate Islands*, meaning the Canaries, then newly discovered; the English ambassador at Rome and his retinue were seized with an alarm, that Lewis had been created king of England, and they immediately hurried home in order to convey this important intelligence. Yet such was the ardour for study at this time, that Speed in his Chronicle informs us, there were then 30,000 students in the university of Oxford alone. What was the occupation of all those young men? To learn very bad Latin, and still worse Logic.

IN 1364, the commons petitioned, that in consideration of the preceding pestilence, such persons as possessed manors holding of the king in chief, and had let life-rent leases without obtaining licences, might continue to exercise the same power, till the country was become more populous^O. The commons were sensible, that this security of possession was a good means for rendering the kingdom prosperous and flourishing; yet durst not apply,

^K 37 Edw. III. cap. 8, 9, 10, &c.

cap. 15. ^M Rymer, vol. vii. p. 526.

This paper, by the stile, seems to have been drawn by the Scots, and was signed only by the wardens of the marches.

^N Rymer, vol. vi. p. 554.

^O Cotton, p. 97.

^L 36 Edw. III.

cap. 15. This paper, by the stile, seems to have been drawn by the Scots, and was signed only by the wardens of the marches.

^N Rymer, vol. vi.

ply, all at once, for a greater relaxation of their chains. CHAP. XVI.

THERE is not a reign among those of the antient English monarchs, which deserves more to be studied than that of Edward III. nor one where the domestic transactions will better discover the true genius of that kind of mixed government, which was then established in England. The struggles, with regard to the validity and authority of the great charter, were now over: The king was acknowledged to lie under some limitations: Edward himself was a prince of great capacity, not governed by favourites, not led astray by any unruly passion, sensible that nothing could be more essential to his interests than to keep on good terms with his people: Yet on the whole it appears, that the government, at best, was only a barbarous monarchy, not regulated by any fixed maxims, nor bounded by any certain undisputed rights, which were in practice regularly observed. The king conducted himself by one set of principles; the barons by another; the commons by a third; the clergy by a fourth. All these systems of government were contrary and incompatible: Each of them prevailed according as incidents were favourable to it: A great prince rendered the monarchical power predominant: The weakness of a king gave reins to the aristocracy: A superstitious age saw the clergy triumphant: The people, for whom alone government was instituted, and who alone deserve consideration, were commonly the weakest of the whole. But the commons, little obnoxious to any other order; though they sunk under the violence of tempests, silently reared their head in more peaceable times; and while the storm was brewing, were courted by all sides, and thus received still some accession to their privileges, or, at worst, some confirmation of them.

It has always been an established opinion, that the first gold coins were not struck till this reign: But there has lately been found one so antient as Henry the third.

NOTE,

NOTE, VOL. II. p. 206.

RYMER, vol. ii. p. 216, 845. There cannot be the least question, that the homage usually paid by the kings of Scotland was not for their crown, but for some other territory. The only question remains, what that territory was? It was not always for the earldom of Huntington, nor the honour of Penryth; because we find it sometimes done at a time when these possessions were not in the hands of the kings of Scotland. It is probable, that the homage was performed in general terms without any particular specification of territory; and this inaccuracy had proceeded either from some dispute between the two kings about the territory and some opposite claims, which were compromised by the general homage, or from the simplicity of the age, which employed few words in every transaction. To prove this we need but look into the letter of king Richard, where he resigns the homage of Scotland, reserving the usual homage. His words are, *Sapientissimus Rex ligius homo noster deveniat de omnibus terris de quibus antecessores sui antecessorum nostrorum ligii homines fuerunt, et nobis atque heredibus nostris fidelitatem jurarunt.* Rymer, vol. i. p. 65. These general terms were probably copied from the usual form of the homage itself.

It is no proof that the kings of Scotland possessed no lands nor baronies in England, because we cannot find them in the imperfect histories and records of that age. For instance, it appears clearly from another passage of this very letter of Richard, that the Scottish king had lands both in the county of Huntington and elsewhere in England; tho' the earldom of Huntington itself was then in the person of his brother, David; and we know at present of no other baronies, which William held. It cannot be expected that we should now be able to specify all his fees which he either possessed or claimed in England; when it is probable that the two monarchs themselves and their ministers would at that very time have differed in the list: The Scottish king might possess some to which his right was disputed; he might claim others, which he did not possess: And neither of the two kings was willing to resign his pretensions by a particular enumeration.

A late author of great industry and learning, but full of prejudices, and of no penetration, Mr. Carte, has taken advantage of the undefined terms of the Scots homage, and has pretended that it was done for Lothian and Galloway, that is, all the territories of the country now called Scotland, lying south of the Clyde and Forth. But to refute this pretension at once, we need only consider, that if these territories were held in fee of the English kings, there would, by the nature of the feudal

dal law as established in England, have been continual appeals from them to the courts of the lord Paramount; contrary to all the histories and records of that age. We find, that, as soon as Edward really established his superiority, appeals immediately commenced from all parts of Scotland: And that king, in his writ to the king's-bench, considers them as a necessary consequence of the feudal tenure. Such large territories also would have supplied a considerable part of the English armies, which never could have escaped all the historians. Not to mention that there is not any instance of a Scots prisoner of war being tried as a rebel, in the many hostilities between the kingdoms, where the Scots armies were chiefly filled from the southern counties.

Mr. Carte's notion with regard to Galloway, which comprehends, in the language of that age, or rather in that of the preceding, most of the south west counties of Scotland; his notion, I say, rests on so slight a foundation, that it scarcely merits being refuted. He will have it (and merely because he will have it) that the Cumberland, yielded by king Edmund to Malcolm I. meant not only the county in England of that name, but all the territory northwards to the Clyde. But the case of Lothian deserves some more consideration.

It is certain, that in very antient language, Scotland means only the country north of the friths of Clyde and Forth. I shall not make a parade of literature to prove it; because I do not find that this point is disputed by the Scots themselves. The southern country was divided into Galloway and Lothian: and the latter comprehended all the south east counties. This territory was certainly a part of the antient kingdom of Northumberland, and was entirely peopled by Saxons, who afterwards received a great mixture of Danes among them. It appears from all the English histories, that the whole kingdom of Northumberland paid very little obedience to the Saxon monarchs, who governed after the dissolution of the heptarchy, and the northern and remote parts of it seem to have fallen into a kind of anarchy, sometimes pillaged by the Danes, and sometimes concurring with them in their ravages upon other parts of England. The kings of Scotland, lying nearer them, took at last possession of the country, which had scarcely any government, and we are told by Matthew of Westminster, p. 193. that king Edgar made a grant of the territory to Kenneth III. that is, he resigned claims, which he could not make effectual, without bestowing on them more trouble and expence than they were worth: For these are the only grants of provinces made by kings; and so ambitious and active a prince as Edgar would never have given presents of any other kind. Tho' Matthew of Westminster's authority may appear small with regard to so remote a transaction; yet we may admit it in
this

this case, because Ordericus Vitalis, a good authority, tells us, p. 701, that Malcolm acknowledged to William Rufus, that the conqueror had confirmed to him the former grant of Lothian. But it follows not, because Edgar made this species of grant to Kenneth, that therefore he exacted homage for that territory. Homage and all the rites of the feudal law were very little known to the Saxons; and we may also suppose, that the claim of Edgar was so antiquated and weak, that in resigning it, he made no very valuable concession, and Kenneth might well refuse to hold, by so precarious a tenure, a territory, which he at present held by the sword. In short, no author says, he did homage for it.

The only colour indeed of authority for Mr. Carte's notion is, that Matthew Paris, who wrote in the reign of Henry III. before Edward's claim of superiority was heard of, says that Alexander III. did homage to Henry III. *pro Laudiano et aliis terris*. See page 555. This word seems naturally to be interpreted Lothian. But in the first place, Matthew Paris's testimony, tho' considerable, will not outweigh that of all the other historians, who say that the Scots homage was always done for lands in England. Secondly, if the Scots homage was done in general terms (as has been already proved) it is no wonder that historians should differ in their account of the object of it, since the parties themselves were not fully agreed. Thirdly, there is reason to think that *Laudianum* in Matthew Paris does not mean Lothian in Scotland. There appears to have been a territory, which antiently bore that or a similar name, in the north of England. For (1) The Saxon Chronicle, p. 197, says that Malcolm Kenmore met William Rufus in Lodene in England. (2) It is agreed by all the historians, that Henry II. only reconquered from Scotland the northern counties of Northumberland, Cumberland, and Westmoreland. See Newbriggs, p. 383. Wykes, p. 30. Hemingford, p. 492. Yet the same country is called by other historians *Loidis*, *comitatus Lodonensis*, or some such name. See M. Paris, p. 68. M. West, p. 247. *Annal Waverl.* p. 159. and Diceto, p. 531. (3) This last mentioned author, when he speaks of Lothian in Scotland, calls it *Loheneis*, p. 574, tho' he had called the English territory *Loidis*. (4) King David's charter to the church of Durham begins with this passage. *Omnibus Scotis & Anglis, tam in Scotia, quam in Lodoneis constitutis*, &c. See Spelman's *Gloss.* in verbo *Scotia*. Whence we may learn, that the province of *Lodonsium* was not only situated south of the Tweed, but also extended beyond Durham, and made a part of England.

I thought this long note requisite in order to correct Mr. Carte's mistake, an author whose diligence and industry has given light to many passages of the more antient English history.

NOTE,

NOTE, Vol. II. p. 226.

THROUGHOUT the reign of Edw. I. the assent of the commons is not once expressed in any of the enacting clauses; nor in the reigns ensuing, till the 9 Edw. III. nor in any of the enacting clauses of 16 Rich. II. Nay even so low as Hen. VI. from the beginning till the 8th of his reign, the assent of the commons is not once expressed in any enacting clause. See preface to Ruffhead's edit. of the Statutes, p. 7. If it should be asserted, that the commons had really given their assent to these statutes, tho' their names be totally omitted in the statutes; this very omission, proceeding, if you will, from carelessness, is a proof how little they were respected. The commons were so little accustomed to transact public business, that they had no speaker, till after the parliament 6th Edw. III. See Prynne's preface to Cotton's abridg. Not till the first of Richard II. in the opinion of most antiquarians. The commons were very unwilling to meddle in any state affairs, and commonly either referred themselves to the lords, or desired a select committee of that house to assist them, as appears from Cotton. 5 E. III. n. 5; 15 E. III. n. 17; 21 E. III. n. 5; 47 E. III. n. 5; 50 E. III. n. 10; 51 E. III. n. 18; 1 R. II. n. 12; 2 R. II. n. 12; 5 R. II. n. 14; 2 parl. 6 R. II. n. 14; parl. 2. 6 R. II. n. 8, &c.

The End of the SECOND VOLUME.

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